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ONTARIO LEGISLATIVE ASSEMBLY

SELECT COMMITTEE

on

THE MUNICIPAL ACT AND RELATED ACTS

HEARINGS ~~RE BRIEFS~~

1961

W.A. FRANK, M.P.P.



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LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

MONDAY,
AUGUST 27th, 1962

MORNING SESSION

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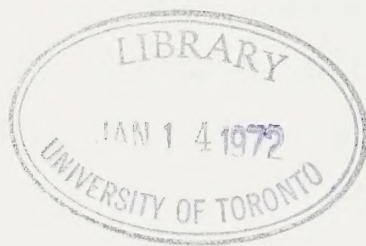
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Donald H. Morrow
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APPEARANCE:

Reeve W. Heber Down
Councillor John Dryden

PRESENTATION:

BRIEF - TOWNSHIP OF WHITBY



TOWNSHIP OF WHITBYHOLLIS E. BECKETT; CHAIRMAN

MR BECKETT: Gentlemen, Mr Thomas will introduce the delegation. (Mr Thomas introduces Reeve W. Heber Down and Councillor John Dryden) Well, you may proceed any way you like very informally; please be seated and carry on.

MR DOWN: Thank you, Mr Chairman, Mr Dryden put a lot of time on this and I'd like him to speak first; I'm just the ordinary farmer out there, and while I'm still Reeve and I will add to it.

MR DRYDEN: Mr Chairman and Gentlemen, before I start, I would just like to say, it seems to me this is democracy in action whereby a municipality, such as Whitby Township with a population something in excess of 6,000, and an assessment at the present time of about \$6½ million, may come forward and present its thoughts on some of the inequities along with municipalities which represent much greater assets by way of assessment and population and so on. Now we didn't come here today to present you with a lot of statistics and graphs and charts; I can see by the table that you're inundated now. We're interested in talking common sense; and I think that's what you are too, Mr Chairman. Our Brief is divided into two parts, part one, relative to the inequitable cost of education attributed to land and to farm land. Apparently from what we have seen by way of publicity in the newspapers and so on, you've had so many Briefs on this, I'm sure you are sick of it; but here, and I believe in June of this year, the Ontario Federation of Agriculture gave you quite a comprehensive Brief, and here is the township that they were talking about. We are a township of change from rural to urban; we are in the process and the throes of that and our Brief, if you will study it along with the Federation of Agriculture, you'd almost think there had been some collusion; but this was prepared completely separate, but the ideas we have, while not enlarged on as they have, are largely similar. I would just like to point out that in ten years, from '51 to '61, there has been a complete reversal of the assessment in

Whitby Township; it was 67%-these are round figures- agricultural in '51; it's now 24%. The residential in '51 was 26%-almost 27%- it is now 65%, just a reversal. Our municipal office sends out about 3000 tax notices or a few more, and of that 238 tax notices go to farmers, less than 8% as classified under the Assessment Act as farmers. And yet those 238 farmers share 24% of the assessment. And about 92% of all other classifications, whether they're residential or business, commercial, industrial and so on, which is very small, share the balance 76%; is that not inequitable? I think that points the fact that there is inequity in taxes and that the farmer is bearing the larger proportion of the load. Now as is pointed out in our Brief, the cost of education has been astronomical in the growth of costs, and it's also dependent on population for cost. I would like to point out that the farmers, of which I am one, we don't object to paying taxes; we don't object to paying our share; but when there is inequity, it gets to be just a little too much of a good thing. And there's one point that strikes me as fundamental, and it has not been enlarged on in the Brief- I haven't seen a great mention of it-but to get taxes on an equitable basis, isn't it true that the goods, the properties must be held in common by a number of people. In the Brief, we cited the automobile tax; nobody likes to buy their license in the spring of the year, but there isn't too much complaint, because everyone knows that everyone else has got a car more or less of the same value and the same horsepower, so each is paying a reasonable share, an equitable share, along with everyone else. I point out another tax that seems to have worked out well, and one of the oldest in this province operating under the Local Improvement Act, and it goes back for generations; it has been changed over the years, but theoretically the Local Improvement Act is based on the fact where you get a number of people who have like properties, and they share a tax for the development of sewers or sidewalks and so on. And it's worked out well. In addition to that, that Act has a flexibility to it, so that the person on the corner lot or the odd shaped lot, and so on, as you know, adjustments can be made through the Court of Revision to get

the thing equitable. So there's two fundamentals; and it seems to me to have an equitable tax, it must be taxed on something that is common-more or less common, plus flexibility.

MR BECKETT: You wouldn't suggest that we have education on a Local Improvement Plan, would you?

MR DRYDEN: No, but I'm trying to drive home the point that our tax should be based rather than on a lot, half an acre or smaller in size, against 100 acres. That's the basis now for school tax, you see.

MR SINGER: Is the Local Improvement Tax really so equitable when you pay for it substantially on a foot frontage basis, no matter how great your depth is?

MR BECKETT: It's more like on a meter system; the fellow who's got the bigger lot, he pays more.

MR SINGER: Bigger lot in frontage, but if he has a big lot in depth, he could get a lot of benefit at the expense of his neighbours.

MR DRYDEN: Yes but is it not more equitable than to be taxed on a value of contrast between 20 acres up to 300-400 acres of farm against land where a householder owns half an acre or less-much less in some cases?

MR MORROW: Just while you're on that point, Mr Dryden, I wonder if you could tell me this; an average farm of say, 100-200 acres, the buildings and the house; of course the assessment is on the buildings and it is not being broken down between house and barn-it is simply on buildings. What would be the average assessment on the average home and barn- on the buildings? Any figure that would be sort of average. I wondered how that would compare, Mr Chairman, the buildings- the house, are they sort of comparable, or is most of the assessment put on the land?

MR DRYDEN: I have representative figures here from one school area which shows that the land values on representative houses and lots-this is from 1959 or 1960 assessment- from \$230 to \$280, representative lots for the land.

MR BECKETT: Where is this property?

MR DRYDEN: These properties are taken from the Assessment Roll- just shut your eyes and take it. They are situated in the Township of Whitby, it's in the Village of Brooklin, and the farm assessments have been taken in the same school area.

MR THOMAS: Would that be a frontage of 50feet?

MR DRYDEN: No, from 66 feet to 94 feet.

MR MORROW: What I'm trying to get at is, if you will say- here is a 200 acre farm and you have a \$10,000 - \$12,000 house on it, and I have a \$10,000 - \$12,000 house; is my assessment higher than you are on the farm for the building? Does the assessor assess higher the built up or the suburban area than he does you on your buildings on the farm?

MR DRYDEN: It's a question of age on that; the farm buildings are...

MR MORROW: No, say we have comparable homes.

MR DRYDEN: I would say if we had comparable homes we'd have the same assessment. Now there might be a slight difference.....

MR MORROW: I always think that where an assessor takes into consideration on the farm, that more of the assessment goes on the land than it does on the buildings.

MR THOMAS: Well I think that location and obsolescence comes into that; doesn't it? If the location is on the main highway.....

MR MORROW: What I'm trying to discover, is the house on the farm and the house in the village assessed at the same rate or is my building in the village assessed higher than my building on the farm?

MR EVANS: Sure it is, because actually you could sell a house for more money in the village than it could be sold on the farm; it's the difference in location.

MR MORROW: I was wondering how you could get at it, if you were to exempt the land part, you see, from the school or education tax- just put it on the buildings on the farm; but if really

the buildings on the farm are not paying as much as I am paying in the village on my building in the built up area, I would say that the that on the farm on the buildings more than it is now.

MR BRYDEN: I would venture...that's the point, I think, the Federation were quite firm in making suggestions like that. But I feel that is the thing that is not common; that when a municipality changes from rural, such as it was ten years ago, to predominantly urban, as it is today, you see the farm assessment- let's take 100 acres- a representative farm- and the land values were from \$3375 up to \$4000 for 100 acres. The \$3375 was on 77 acres and the \$4000 was on 98.7 acres.

MR BECKETT: \$40 an acre.

MR DRYDEN: Yes, of course this assessment isn't based on actual value; it's based on a percentage the same as the homes are. The farm values, I would say, are based on approximately one-third of what they might be for farm valuation purposes. If they are sold for speculative purposes, they might bring a lot more. Now the buildings, between the homes in the Village of Brooklin, \$1890, an old home....homes on the farms, \$1595 up to a maximum of \$3555, that includes house and barn and sheds and so on.

MR MORROW: That 98 acre one is the house and buildings \$3555? (right)

MR BECKETT: So it has a total assessment of \$7555 on the 98 acres plus the buildings.

MR DRYDEN: That's right. Now the taxes for the residential man who has come in and who is a newcomer to the municipality, ranges from \$157 to \$245. And the man on the 100 acres, his range in taxes is from \$336 to \$483. And as you know the educational tax is 50¹/₂ or more.

MR THOMAS: One of the problems of Whitby is, of course, that they have no industrial assessment. Now it has been suggested by some of the Briefs to this Committee, that the industrial assessment, or the tax, be collected by the provincial government and distributed towards the cost of education on a per capita basis.

What would you think of that?

MR DRYDEN: My personal opinion is I wouldnt support it.

MR THOMAS: You wouldnt support it?

MR DRYDEN: No sir.

MR BECKETT: Have you a full time assessor? (yes)

MR EVANS: County assessor? The county assessor of course, doesnt assess all the municipalities.

MR DRYDEN: No, we havent got a county assessor.

MR BECKETT: Did they deal with it in county council Mr Reeve? To appoint a county assessor?

MR DOWN: We have a county assessor and we have a local assessor....

MR BECKETT: No, no under Section 93 of the Assessment Act.

MR DOWN: We turned that down.

MR BECKETT: By what majority?

MR DOWN: Pretty nearly all.

MR BECKETT: Well then how many towns and villages have you in the county?

MR DOWN: We have 4.

MR BECKETT: What are they?

MR DOWN: Whitby, Camden, Port Perry and Beaverton; and they're all part of the county system and all have representation, and we get along very nicely.

MR THOMAS: Dont you think a county assessor in complete charge of the county would do a better job than some of the people who are now part-time assessors in the County of Ontario?

MR DOWN: Do you want my candid opinion? (Yes) Well I'm a farmer the same as John Dryden, and I think that the assessor, our assessor, can do a better job and meet particularly farm properties than any body from outside. And as a long time farmer, I have a better idea of the farms in our township along the front, and I wouldnt have any idea at all of value for farms; and I think if we can get the best assessor we can get...now I mean for farm properties-

I'm not so sure about other properties- town properties. But farms, and theres some of you are farmers sitting here, and the man who has lived there all the time knows them and he's in a better position to make evaluation than the guy that just comes in, no matter how smart he is. That's my opinion. A farm and farm buildings-why it's on a different basis- a separate thing altogether.

MR BECKETT: When your assessments were equalized, did farms go up or down in your equalization?

MR DOWN: We didnt have much trouble that way; we had a fuss with Adgar (?)and we wrote up an affadavit and it cost a lot of money, and the assessor was upheld; nobody gained except the lawyers.

MR BECKETT: No, what I mean is on your equalization, did you go down or up, the farms did they go down or up compared with the town of Whitby?

MR DOWN: You mean the Township? (yes) Ours went down just a little wee bit- very slightly, very nominal.

MR DRYDEN: As a matter of fact, if I might enlarge, the county assessor, I believe, through the county has been promoting an increase in assessment on land values in the front of the County of Ontario on the lake. It has been felt there is insufficient on the built up areas.

MR BECKETT: Who brought the lawsuit?

MR DOWN: Three towns, Ajax, Pickering and Whitby; but that's all right-I'm pretty sure I'm right; it's alright to ask them questions, and it cost a lot of money, and this year we didnt have any trouble.

MR DRYDEN: Now the conclusion of this part of the Brief, Mr Chairman, the Dept of Education, through the Legislature has taken recognition of the fact of the very heavy costs on real estate, property and so on; and particularly during 1960 and '61 and '62, have increased the education subsidies very very greatly. However, the point seems to me is that this does not act fundamental in equity of taxation; it does assist, but it doesnt get to the root of the problem, and I believe that's why you, Mr Chairman and this

Select Committee has been appointed to make an effort to straighten that out. Now might I suggest that there are municipalities in the province where change has not been too great; I would think of municipalities in the central part of Ontario that still are predominantly rural; and I would think of municipalities where they have become completely urban; where these inequities have been straightened out and you don't get the complaint except the high cost of taxes; but there is little or no complaint of inequity.

MR BECKETT: Has this been discussed in County Council? (not particularly)

MR DRYDEN: We have recommended that an amendment to Section 37, subsection 1 of the Assessment Act whereby the municipality itself may relieve the property owner or the land owner of a percentage of taxes, as is pointed out in the Brief, recognition has already been made available, whereby certain road costs, fire costs and so on, in that particular subsection—that landowners be relieved of it.

MR BECKETT: What percentage?

MR DRYDEN: That's the point; it's left open.

MR BECKETT: What percentage would you suggest?

MR DRYDEN: This particular recommendation of ours—that would be its weakness, depending on the will of the majority; but there is a flexibility there to allow whether it be 50% or 75% or 100% or less; but it's left up to the municipality to make that change and give that allowance as it might be deemed necessary or required in their wisdom.

MR BECKETT: Do the Members understand what Section 37 does? (read it) "In any municipality where lands held and used as farm lands only....(now we're right back to what the definition of a farm....or a farmer) and in blocks of not less than 5 acres, by any one person, are not benefited to as great an extent by the expenditure of money for and on account of public improvements of the character hereinafter mentioned in the municipality, as other lands therein generally, the council shall annually, before the 1st day of March pass a bylaw declaring what part, if any, of such lands are exempt,

or partly exempt from taxation for the expenditures of the municipality incurred for water works, fire protection, garbage collection, sidewalks, pavements or sewers, or the lighting, oiling, tarring, treating for dust or watering the streets; regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditure or any of them.

MR EVANS: There's one thing wrong, it's supposed to be brought up every year, and supposing the council just forgets about it...about passing this bylaw.

MR BECKETT: Then there is an appeal to the county judge-you'll find it further on- if the council doesn't do it. Has your township passed a bylaw under that Section?

MR DRYDEN: This year for the first time; we did it with regard to fire.

MR SINGER: Surely you're introducing a different principle. The key words in that Section are "not benefited to as great an extent"; now by the same token, if you do this and this suggestion you make is adopted, what do you do for the man who has no children. He is not benefited to a greater extent by provision of education as the man who has children; or the man who has raised his family and has no reason to send any more children to school; or the single man or the single woman.

MR DRYDEN: Those are the inequities of taxation, and I might cite....

MR SINGER: But you're trying to tie this principle into a Section that makes some sense. When you don't get fire protection, you pass the bylaw and give the farmers this exemption and relieve them of a certain share of the taxes for fire protection. But surely there is a principle in Ontario, and it's a good one, that education is for the benefit of all the people of Ontario, and should be paid for by all the people of Ontario.

MR DRYDEN: Yes, but our argument is that on some property or goods that is more or less common to everybody and our argument is that it's buildings that are the things common to the

property owner.

MR MORROW: I can see the point, Mr Chairman, that taxation on farm land other than a couple of acres around the house, I dont think, should be taxed for educational purposes, when you compare it with the properties in the village. But I can also see a different assessment on comparable buildings. I dont know how you can get the two up even, whereby you on the farm, on your land and buildings, would be assessed the same as I am in the village; then we'd both be paying the same school tax. Your overall assessment would have to be hiked up in order to get that comparable assessment. I think at the present time that more of the assessment is put on the land than on the farm buildings.

MR EVANS: Well if you start doing these things, you get yourself into some real trouble here when you have the cottage owners- what about them?

MR MORROW: Well I dont think he should have to pay double school tax. He's paying it back home where he lives and he is paying it on the cottage too-he's paying it twice.

MR SINGLER: Well what are you going to do about the man who hasnt got any children?

MR MORROW: Well I'm one of those and I think I still should pay school tax.

MR DRYDEN: In answer to that, and it has nothing to do with education at all, but I'd like to point out that the provincial highways go through the rural areas; the farmers are blessed with good roads on their frontage, yet they continue to pay road tax.

MR BECKETT: Are they assessed more by your assessor on the county roads and provincial highways than back in...

MR DRYDEN: Oh yes. I can give you a personal example whereby an improved road was put on our own property and our assessment was increased by 7% because of the improved road and the farm had therefore been improved in its value by that extent.

MR BECKETT: How do you mean improved in its value? Now that's a peculiar thing to me. It doesnt grow any better crops;

and you wont get any more for your crops. Can you say for what purpose has it increased in value?

MR DRYDLN: For market value for selling.

MR BECKETT: For selling the farm.

MR EVANS: But I thought a farm was assessed for what it can produce. They take into consideration bad land on a farm, maybe some land will be assessed at on \$10 an acre whereas the land that produces the crops is assessed at around \$35 or \$40. So I see them assessing it, not for what you can get for it, but for what it can produce.

MR BECKETT: That's right.

MR DRYDEN: Now the point that struck me was, when I got this hike in assessment, at that time the increase in taxes amounted to about \$60, over half of which was going to the cost of education. Now how in the sam hill is there any relationship between an improved road going along in front of your property and paying more of the cost of education.

MR BECKETT: Did you appeal your assessment? (no)

MR SINGER: How do you suggest you pay for education? If you take it off the farmer, you've got to put it on somebody else- who should pay for it?

MR MORROW: That's the \$64 question; everybody is toying with that.

MR BECKETT: Have you got any golf clubs in your township? (yes) Then have you passed...made an agreement under Section 39 of the act whereby you give the golf clubs a fixed assessment?

MR DRYDEN: I cant answer that- can you answer that Mr Reeve?

MR DOWN: I never heard anything about a golf club getting a fixed assessment.

MR BECKETT: But you know you have that authority?

MR DOWN: I didnt even know it. I had no idea.

MR DRYDEN: The nigger in that woodpile is that if when and as there are developments some years later, they're going to pick up the tab, arent they?

MR BECKETT: Yes. How about treating the farmers

then on that basis?

MR DRYDEN: The government's never been inclined to do it that way, so why should a municipality, Mr Chairman?

MR BECKETT: Well a lot of municipalities have this agreement with the golf clubs.

MR COWLING: This ties in then, Mr Chairman with you asking the Councillor here and the Reeve the definition of a farm and a farmer. Then of course you have no problem about the fixed assessment as long as it remains a farm. Now who's to say when it stops being a farm and becomes another thing. How would you define a farm?

MR DRYDEN: I'm no lawyer.

MR COWLING: What is a farmer?

MR SINGER: As your assessment changed in the ten year period, a few of your farmers made substantial sums of money by selling their farms for residential purposes.

MR DRYDEN: Yes, but that's realizing a potential. Taxation was never meant to tax the potential; you tax the actual, do you not? And actually farm property or properties that might be sold at enhanced prices because of those things, there's a lot of luck of the draw; and in the last few years the thing has died off. Now Pickering Township, our neighbour to the west, there's been all kinds of publicity on them; they have set the speculative properties at what- actual value? And they got quite a hatful.

MR THOMAS: And this is definitely one of the reasons ~~the~~ amendment was passed at the last session of the Legislature through the agitation from that quarter.

MR DRYDEN: Right. And I think that...and I can't think there was any great support for that type of assessment.

MR THOMAS: Well it's been suggested that only 10 acres of the farm be assessed for educational purposes, and the remainder be exempt; what do you think of that idea?

MR DRYDEN: Plus the buildings? (yes) Well anything like that will make it fairer. I think it would be almost impossible for you gentlemen to come up with an idea that's going to

meet every situation absolutely from the centre to the knob; and I don't think that the farmer's going to object if there is some relief and there is an effort made to make it more equitable.

MR BECKETT: We have one suggestion where 50% of the costs of the school be assessed to the balance of the farm land after taking 5 or 10 acres out.

MR MORROW: It might average it out fairly well-if there is a percentage there that would average it out fairly well and it would be comparable to the suburban dweller.

MR DRYDEN: Mr Chairman, Mr Morrow pointed out a bit earlier that his suggestion was that the buildings on the farms were assessed at a preferred rate compared to residents in the town or village; there is that possibility, but I would suggest that the bulk of the farmers, between the value of their house and the value of their barn, plus any incidental sheds and so on, if buildings were the only thing being taxed, the farmers by and large would pay as much as the person with the new home with all the services in the built-up areas.

MR SINGLER: Mr Thomas asked a while ago if you would object to the province taking the industrial taxes and using them to pay for...substantially for the cost of education, and you said you would; I wonder why.

MR MORROW: They probably have a huge industrial assessment, likely.

MR SINGLER: No, no, he said it was very little.

MR EVANS: Well isn't farming classed as an industry? (no) Well the tourist industry and cottage owners are assessed as an industry.

MR COWLING: Farming is just plain farming.

MR EVANS: Well the area where I come from, a man can have 10,000 acres of marsh, and I think it should be classed as an industry because there's over \$8 million worth of vegetables shipped off that every year, and the land is assessed at \$150 an acre; and if you take away from that the cost of education off that land entirely where would you raise the rest of this money?

MR BECKETT: They really should be paying a business

MR EVANS: It's a real industry as far as I'm concerned; a real industry.

MR MORROW: That's market gardening-intensive farming.

MR DRYDEN: Mr Chairman, in answer to the point raised by Mr Singer, my objection to the ...to having the industrial assessment collected by the province and then readjusted to education, the point that was in my mind was that this business of local autonomy. We want to keep away from having the bulk or all of educational costs paid by the province, because it is then taken out of the local hands completely, and there are two reasons that in my estimation are important, the first is the quality of the teaching ~~may~~ theoretically be judged best by the inspector here in the Parliament Buildings; but the practical end of the quality of teaching is ...known best by the parents, and they should have a little finger in the pie; teachers are well protected-I don't know whether there are any teachers on this Committee or not, Mr Chairman.....

MR MORROW: I am on leave of absence without pay.
(laughter)

MR DRYDEN: I feel that with the development of the Federation, they're well protected. And there is more direct personal local control of the administration is best done there and in addition to that, for the efficiency of the use of the tax dollar, I feel it's best done on a local ballot.

MR MORROW: There is no suggestion in this, if the province took the industrial assessment, that the local school boards as presently constituted wouldn't continue to operate and control education in the municipality. There is no intention of doing away with local autonomy on the administration of the schools.

MR BECKETT: It's just to spread the money more equitably; and it is also to discourage municipalities who are competing with each other for this industrial assessment all the time.

MR DRYDEN: It might work out at that.

MR THOMAS: And with the competition going on today for teachers, do you think that the rural areas will be in the position to get the better type of teacher because of the low salary some

are paying?

MR DRYDEN: I didnt know there were any low salaries in the teaching profession.

MR THOMAS: Well they're not as high as in the urban areas; isnt that right? I have in mind in the little village of Raglan, where about three or four years ago, a friend of ours-his boy went to Teacher's College, and he came out in March or April and he went right into the Raglan school teaching eight grades the following year.

MR DRYDEN: I believe that's been ironed out.
(chit chat re Raglan)

MR SINGER: How many school boards are there in Whitby Township...in Ontario County?

MR DOWN: There's about 11 in the Township of Whitby; there must be 100 in the county.

MR SINGER: There are 4000 in the Province of Ontario; do you think that makes for efficiency?

MR DRYDEN: Let's put it this way, Mr Chairman, I feel that our township gets the best value of the money that it spends directly and that there is more efficiency when everybody is watching than when it's spent by the county; and there's less efficiency when it's spent by the province.

MR BECKETT: And your type of education you feel is as good as any place else?

MR DRYDEN: With the huge percentage of subsidy that is now represented by the province, and with this system that is set up of inspection and so on, the quality of teaching is getting pretty well equal.

MR MORROW: But your argument is, and I think you are quite right, these increased per pupil grants are giving the school boards more money to operate the schools and to relieve the residential tax payer, is still not getting at the base of an equitable contribution for school purposes; and how you can arrive at an equitable basis is the \$64 question, of course. This increased per pupil grant is a sort of a palliative to relieve the situation.

MR EVANS: Well maybe farm land is assessed too high for educational purposes; I dont think it can be relieved entirely or should be relieved entirely, but it seems to me that you cant turn around and use a 5-acre parcel of land where the house is or where the buildings are, assess that for school purposes and not assess the land. Because in many counties there's an awful lot of big tracts of land being held by people, where they may live in a town and with no house on the farm land at all. I can take you to the Alliston Airport, and during the war, they took all the houses off of there; and now one man owns the whole thing, so he wouldnt be paying any taxes at all towards schools.

MR BECKETT: Not if it is classified as farming.

MR EVANS: No; that's what I mean. But wouldnt he be a farmer the same as anybody else; he lives in town but he owns about 1000 acres there.

MR BECKETT: He might live in a tent.

MR MORROW: They're not all what you might call a dirt farmer.

MR SINGER: He might even live out of the country; he might like the warm weather in the south, and stay down there and just manage his farm, with employees.

MR COWLING: We will have to have a definition, Mr Chairman, of what's a farm and what's a farmer; if we start from there, then we eliminate this type of thing, the fellow who lives in Florida he's out and what is a farmer....I dont know..you're one, maybe you can answer it.

MR EVANS: I say maybe the rate for farm land is too high for school purposes.

MR COWLING: Well I agree with the Federation of Agriculture that taxing all the farm for educational purposes is not fair-that's my point.

MR MORROW: That's my point too.

MR COWLING: But where do we draw the line between the farmer, the speculator, the city farmer who are living out just for fun on a great big fat farm and maybe they make a few million on

it as the people move out there; and the fellow with the thousand acres, where do we draw the line?

MR BECKETT: Did you ever argue at county council that farm lands should be assessed for less money? (no) Well would not that be one way of getting at this school situation? Supposing your assessment of your farm land was only \$20 an acre?

MR DOWN: I'm a farmer and I'm not up here to try to take it off mine and put it on to somebody else.

MR BECKETT: No, but we're trying to find a way to assess it.

MR DRYDEN: The question has been raised here just a few minutes ago that farming might be classified as an industry; I've heard that thesis presented before, and if farming is an industry if you want to think of it as an industry, and compare it to any industry in the city of Toronto or any urban centre, the thing that we have in common is buildings of our farm, against the person's factory. And here you're getting back to the thing that I argue is right and just that we have in common-whether it be industry or residence-the farmers have homes and they have barns for storage, for their live stock in some places and so on. And the factory is a building in comparison to the farmer's barn; and the homes are common to all of us. Now the various situations that have been expressed around this table here, I think are exceptions-where you've got Holland Marsh and a few huge acreages without buildings and so on; those are the exceptions; and if there is flexibility, and it would come back to our Section 37 that that man should pay some that has 10,000 acres, and shouldn't get the relief of the more common and average type of farmer. And this point of using Section 37 of the Act gives flexibility to meet the various situations.

MR MORROW: Possibly there could be some flexibility worked into that Section.

MR DRYDEN: You see theoretically this Section 37 is developed by the municipality, by the township council and each individual parcel is supposed to be considered, and this one will be given 90% of relief on land and this one 20%-that's the theory

of that; is that not right?

MR BECKETT: Who would do that in your township, supposing you had a bylaw under Section 37 and the word "schools" was included?

MR DRYDEN: That's the weakness, Sir.

MR SINGER: And wouldnt there apt to be a tendency that because Joe was a good fellow and Bill was not so nice, that Joe would get better treatment?

MR DRYDEN: That is the weakness of our suggestion, is that the association and friendships and the political angle of trying to develop it fairly.

MR COWLING: What about the fellow that's raising beef that stand around in the cement and eat hay; is he a farmer? Do you think he is?

MR DOWN: Yes.

MR DRYDEN: Well what about the man who's put a building up and is putting through 50,000 broilers; is he a farmer?

MR COWLING: Well that's what I'd like to know.

MR MORROW: Isnt he a chicken farmer?

MR SINGER: And the man who works in the city and comes back and takes in a crop of hay?

MR MORROW: Well they're all producers; and as producers, are they not farmers? Whether they produce beef or chickens or producing hay.

MR THOMAS: You talk about the flexibility in the suggestion you make of the exemption; you might have a balance of rural people on the council at the present time, but next year the reverse might be true. You might have suburbanites controlling the council and you'd get into hot water in that one.

MR DOWN: The only trouble with urbanites, they cant afford to sit there; there getting too much some place else.

MR DRYDEN: Mr Chairman, once a point has been established, a precedent-it becomes more difficult for the Legislature or for the councils to make changes; is that correct?

MR BECKETT: That's right. Have you got an official plan? (no) Could you sell off a corner of your farm for a gasoline station?

MR DRYDEN: I think the municipality might welcome anything that might come in the way of industrial assessment. But when it comes to more residential, they'll take a second look at it.

MR BECKETT: So you could take advantage of an increase in price of land for a gasoline station?

MR DRYDEN: Yes, I would say so.

MR COWLING: Now you're a farmer, Councillor, why don't you take a whack at this thing- what is a full time farmer, you and the Reeve? How would you put it in the Act? Then we'd have no problem. It's just as easy as that. (chit chat)

MR DRYDEN: I'll tell you how you can define the Reeve and myself, Sir; we make our living off the land, and no other source.

MR BECKETT: Well that was in the Act- the principle source.

MR DRYDEN: That doesn't answer the question-I realize that fully.

MR THOMAS: The southern part of the County of Ontario is becoming very urbanized- all below the 4th or 5th concession; and take the County of York, they've lost a lot of their assessments in the metropolitan area. Do you think there would be a need for a re-designing of the county structure on an area basis? Supposing as was suggested that the metropolitan area be created from Oshawa to Scarborough, relieving the County of Ontario, or a certain part of it of this residential problem; what's your opinion on that one?

MR BECKETT: You mean to divide the County of Ontario?

MR DOWN: My opinion is that the per capita grant towards education has gone a long way, this year and last year, and it's a nice way...I don't know where they got the money, but we're happy to get it; and I'm not fooling about it....

MR EVANS: They got it from the sales tax.

MR DOWN: Well anyway they got it and it went over very nicely, and my opinion is, and I don't always agree with my

councilman, but the houses in our township are assessed as you know, for less by being out in the township than they are in the village; and I think we should have some relief, but how far we should go I'm not so sure.

MR THOMAS: Well the growth of the southern part of the county now, do you think that now is a need for a regional planning board there; for all the municipalities in that area to set up a planning board on a regional basis?

MR DOWN: Well I support that idea and supported it but didnt get it across.

MR DRYDEN: I think it has merit; it needs leadership from the province because of the petty jealousies and so on; it is very difficult to establish it from the ground up; it must come from the top to get direction.

MR THOMAS: The need is there, I think.

MR DRYDEN: Reeve Down and I might not agree, particularly on the former question, Mr Thomas, on your suggestion that a division might be made from east to west; I think it has merit. Because the point that I have tried to establish this morning is we must have something in common to get equitable taxation. And when you've got urban on the front and rural at the next, that's common to all of the counties that front on the Great Lakes. If you go up into Owen Sound country, you have summer resort areas developed and rural in behind; along Lake Erie and Lake Ontario, you have industry and urbanization developing along the water front generally, and as you go back it's rural; and that's where the problems have been developing. There's been a reclassification of the economy and the growth, and our democratic system of administration and law hasnt kept up with it.

MR BECKETT: Would you be better off if you divided the county and the south be one municipality and the north be a county by itself?

MR BRYDEN: I wouldnt like to answer that, Mr Chairman, but I do suggest it has merit and is worth consideration.

MR EVANS: Have they ever thought of doing away

with the county system of government? Do you think it's needed today?

MR THOMAS: We had a Brief from Ajax on that.

MR DRYDEN: The reason that you've got to have a lawsuit and court action developed by the Town of Ajax and so on is because of their feeling in the county that they're not getting a square deal; they're not getting representation by population. They are outvoted....

MR SINGER: Outvoted and outtaxed as a result.
(right) Their complaint is that the farmers are outvoting them.
(chit chat re Ajax)

MR THOMAS: Do you think that would lessen that friction between those people if the Dept of Highways took over county roads?

MR DOWN: In our township, I've always contended... now I'm not going to be very proud of it-that four different set-ups for roads in the Township of Whitby; we've got township and county, suburban and provincial. Now why? I think there is too much overhead and I'll be honest about it....

MR THOMAS: The cost of county roads.....

MR DOWN: They're getting in pretty deep.

MR THOMAS:would take the major portion of their budget, if my memory serves me aright from my term on county council in 1946-'48. The county roads would take the major portion of the budget of the County of Ontario, I believe.

MR DOWN: No, no 9 mills.

MR BECKETT: What is the mill rate?

MR DOWN: We have about 60 mills in the township and it only takes about 9; it kind of varies along different sections; it's between 60 and 70 and education is about half of that, and roads isn't too bad. We have good roads and we're happy about the whole thing as far as I'm concerned.

MR SINGER: Mr Reeve, you just said that four authorities are looking after roads is not too efficient.....

MR DOWN: I don't want it misinterpreted but we're only a small county-we're only about 12 miles long 18 miles wide;

why do we want four road set ups.

MR SINGLER: Why do you want to have ~~eleven~~ boards of education?

MR DOWN: No, ~~thwe~~ we have nothing to do with that...

MR SINGLER: No but it's the same principle. Is that efficient?

MR DOWN: and we only had the one school nurse and they took in the area I live in and the area John lives in and they were the only two that went together. And then we have one that goes into Pickering Township and we have about 7 or 8 extra and we have meeting after meeting after meeting and they've been the boss all this time and they want to continue. Now I'm not going to get into that but...I really meant about the roads; the township of Whitby, the size it is shouldnt have four different road departments.

MR BECKETT: What would you suggest?

MR DOWN: I dont know about that, but....

MR EVANS: How many miles of township road do...

MR DOWN: About 8.

MR BECKETT: How many county? How many roads in your township are under the county system?

MR DOWN: About 11 miles, I think and we have 6 miles of suburban roads which is all right. There's nothing wrong about that the people...(chit chat)

MR DRYDEN: We have another section in our Brief relative to roads and here again this particular item was touched on in the Brief that was submitted by the Ontario Federation of Agriculture to you, but it has to do with the dormitory municipalities, such as ours, in which we dont have too much industrial assessment. Granted that a great many of the residents live in our municipality and go to work in the neighbouring towns and cities, but we also have a huge population which is travelling daily from miles beyond our borders and with the motor car and the recreational areas very largely in the northern part of the province, these dormitory municipalities take a beating on the week-ends too with people getting out

for their pleasures Friday night and coming back Sunday night. So that a municipality such as ours- and there are many of them in the province in a similar circumstance- cant be expected to keep up the roads satisfactorily; or if they do and are expected to, the standard 50% subsidy approved for road expenditures, it's a little bit unfair. Now I agree with the development of the suburban road commissions in the county in development roads; there's an effort being made to meet this situation. But wouldnt it be better to get some system or formula based on traffic counts, or based on where the industrial centres or the labour market is; where the tourist centres are, so that a schedule could be established of certain roads that are not the direct responsibility for upkeep of the parent municipality, let's say; that there should be a recognition that will pay a greater than 50% on the roads.. .

MR BECKETT: You're getting 50%.

MR DRYDEN: Yes. Now there's a development road going into the municipality; it's been taken over by the county, and it's actively on its way now within the next year or so. But you've proved a point and the Dept of Highways in its wisdom says: We'll give you this. But there's a lot of finagling whereas it could be and should be done on a formula basis, on a business basis.

MR BECKETT: How many miles are you getting on that development road?

MR DRYDEN: We're getting a good deal, Mr Chairman.

MR BECKETT: It's built by the province and handed back to the county; is that the deal.

MR DOWN: That's right and we're happy about that.

MR DRYDEN: I would presume that 25 or 30 years from now there will probably have to be some consideration given to the reconstruction of such road when it wears out.

MR MORROW: Are they hard topping it? (yes)

MR DOWN: And we're happy about that; it's 8 $\frac{3}{4}$ miles of road.

MR MORROW: If it's not hard topped, in a few years time you'll be in for a large expense.

MR DRYDEN: No this is going to be hard topped.

MR EVANS: But you think the subsidy should be raised probably from 50% to 75%— I'm just using any figure there, instead of having development roads?

MR DRYDEN: I'm suggesting that it might be.... we'll just think of our own township, that there might be certain roads designated east and west and north and south that are commuter roads that should be entitled to a larger subsidy than the local township roads that serve the tax payer just to get out to these arterial roads—that is what I am suggesting.

MR BECKETT: Those roads you call commuter roads, most of those people who drive on them work in some urban centre—is that why you call them commuter roads? (yes) Perhaps then, those other centres should pay a higher percent towards those roads.

MR DRYDEN: I think maybe that would be your job to persuade them to do so. (laughter)

MR BECKETT: I'm asking how you felt about it. Do you want to carry on, Mr Reeve?

MR DOWN: Not particularly, but as far as the road is concerned, would there be any way....like the 50% rather than designate different roads, there'd be a lot of bookkeeping about that, and any township if it is comparable to ours, makes a good effort to put in the particular places....I'm not fussy about so much book keeping, so much work for everybody.

MR MORROW: That's one of the big points when you get into more detailed classifications, you're going to add to that type of thing.

MR DOWN: You're going to get into a lot of work keeping track of it, in a Township of Whitby or one comparable to it; if there could be a fund got from some place to take care of the people who go through there that are no part of our township, and the same with any other township.

MR MORROW: You get 50% on the township roads and the county roads, it's both the same 50%? (yes) And your recommend-

ation is that it be scaled, that the township maybe where you should pay the most pays 50% and the county should be 60% or 65% and when you get on a little farther up to the development road, they're paying 100% of the constructive cost.

MR THOMAS: Well you say it should be increased, it should be higher on the basis of need; wouldnt that give a lot of power to the government, whoever they might be at that time, to....

MR MORROW: That's unfair.

MR THOMAS: If you were in an area that was favourable to the government, well...and if you were in an area that wasnt...

MR SINGLER: It depends on what government.

MR DOWN: They wouldnt do anything wrong with it.

MR THOMAS: You dont think there's anything wrong with it. (laughter) (chit chat)

MR DOWN: Well I think Mr Dryden has given you pretty well all our thinking; I dont agree with all of it but fundamentally we do. And I want to be very emphatic-we dont want to put on somebody else what belongs to the farmer. I'm a farmer and I realize that it is difficult and I want to be fair about it. Another item I want to bring in-it wasnt on the agenda, but I want to draw it to your attention. I have been on the Library Board in our township for 11 years, and we built a new library-we had a little small library- and we got help from Richmond Hill; and we followed their recommendations explicitly, and we have a good library, but they recommended a school area library, and what's happened now the people that belong to the library are paying over \$100 a year; and it's just a school library; and the grant is just a fraction of what it would be for a township library. Now that wasnt drawn to our attention when we set it up. Now I dont know what can be done about it, but I do know that it's over \$100 to belong the library.

MR MORROW: You should have the Dept reclassify it; have you tried that?

MR DOWN: I dont know what the committee did about it. We're happy about the library, and while we have to pay

over \$100-personally I pay over \$100, and I'm not kicking about that.

MR BECKETT: Were debentures issued for the library?
(yes) And they were charged to the school section?

MR DOWN: Yes they were charged to the school section, so you see we got in and....well the Library Board wanted $2\frac{1}{2}$ mills, and one \$10,000 assessment, that's \$35 a year...

MR MORROW: You made the mistake of not getting into a larger unit.

MR DOWN: But we were advised that was the proper thing for Whitby Township; and now it's a bone of contention that you can belong to any other library for \$2 and you pay to this one \$100; but I don't think we can get out of it. So I'm just drawing it to your attention-I don't know whether this is the right place to bring it up or not, but I know it's creating quite a bit of discussion and it's not happy for the council. Well that's it. Well I've enjoyed being here today and I think you people have been very verya very very good hearing, and...

MR BECKETT: Don't feel that we cross examined you.

MR DOWN: No, no, no; it's all right.

MR BECKETT: It helps to bring out some good points.

MR DOWN: That's all right, that's all right.

But we're both farmers, and I'm not fighting for the farmer; I'm fighting for the Township of Whitby, and I think in the area where we are, on the question of roads, there's more people going through than in it, and they're getting the benefit; and we are building and maintaining good roads and better roads for somebody else, and there should be some relief somewhere along the line. And as a farmer without any children, my school taxes are over \$1000-I'm not kicking too much, but I hope that they get educated; I think that some of the farm land should be exempt and that's your job. How it should be done, I'm not so sure.

MR COWLING: Well Mr Chairman, we're going to do something for the farmer; because they're the backbone of the country.

MR DOWN: And I think they are too; but there's only a few farmers left and they're carrying the ball as far as ed-



ucation is concerned.

MR EVANS: I wonder, Mr Chairman, if they could give us their opinion on conflict of interest, where a council may do business with its own-maybe a reeveor a councillor.

MR DOWN: Well we keep out of that down our way. and I think they should keep right away from it.

MR COWLING: Do you think we're eliminating a lot of good citizens because they're shareholders and stock holders and vice presidents.

MR DOWN: I've been on council for 23 years and I'm not a shareholder; all I own is farms.

MR BECKETT: You wouldnt sell gravel to the municipality?

MR DOWN: I sold them gravel, but I got out of council when I sold it; I was smart enough for that. (laughter) and I sold it to them cheap -to the Township of Whitby.

MR DRYDEN: Mr Chairman, this has never been discussed in the township council to my knowledge; I know that there have been certain cases in the last two years in the township council where there has been interest declared on the part of one or other of the councillors; but I notice that it's getting more and more publicity. And it seems to me that the municipalities that are coming to this Committee suggesting that you should tell them what to do, it's just pathetic that the people who are participating in our governments of one level or another havent got the upbringing, the breeding or whatever you want to call it, of having it in their own conscience and own heart; and I dont think you should have to tell me how to carry on legislation in the municipality or the county on an honourable basis. I think that when you take your oath of office, when you accept nomination for election, there's got to be some things that are unwritten that are right and proper. And if you have to tell me what's right and proper, then Mr Chairman, I want to be out of it.

MR BECKETT: Well said. Well thank you again, and we appreciate your coming.

MR DRYDEN AND MR DOWN: Thank you very much.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

MONDAY,
AUGUST 27th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

R.P. Matthews
Ronald Egan
Thomas Edwards
Forbes McEwen

PRESENTATION:

BRIEF - WHITBY PUBLIC SCHOOLS

WHITBY PUBLIC SCHOOLSALFRED H. COWLING, CHAIRMAN

MR COWLING: Well Gentlemen, will we come to order; we have a delegation here from Whitby Public Schools and Mr Thomas will introduce them to the Committee. (Mr Thomas introduces Mr R.P. Matthews, Chairman of the School Board; Mr Ronald Egan, Chairman of the Finance Committee; Mr Thomas Edwards, Chairman of the Management Committee and Mr Forbes McEwen, Deputy-Clerk.

MR MATTHEWS: Mr Chairman, as Mr Thomas has said, we are here on behalf of Whitby School Board, and we are delighted to be here this afternoon, Ladies and Gentlemen. Mr Edwards, who made this motion at the time, will read the Brief.

MR EDWARDS: Mr Chairman, Ladies and Gentlemen, may I suggest at the very outset that this submission is largely one of conjecture (continues to read Brief) "It is a recognized fact that the items.....increasing problem of classroom shortage" Now this represents the ideas as proposed by the Whitby Public School Board last August, and they were contained in our original letter. We do want to stress the two main points, one, keeping quiet...restricting the original estimates to council as long as possible-in fact until the tenders are in. And two, the possible standardization of school structures.

MR THOMAS: Well what is the practice now? Do the local school boards submit a figure to council? On what do they base their estimates?

MR EDWARDS: My understanding is this that originally the school board decides that certain classroom space is essential. They expect so many children based upon the number of pre-school children in the town, or it can be based upon an average of increase in the population of the town. They then go to council and inevitably weeks and weeks pass-months of arguing-it does happen in Whitby and certainly in Oshawa-you bandy a sum of money around. So you initially ask for \$200,000 for a school. The council tried its best, regardless how valid the arguments for this capacity may be, they

try to bring down this cost, but it's given full publicity. Eventually they decide on the sum of \$190,000-it's automatic. All the contractors in this area say look \$190,000 is available-we know this-let's see how much more we can get in competition with each other.

MR MORROW: Of course finally they get the specs on that and they figure it out by the rooms; if its the typical construction, they know how much it should cost per foot, and it wouldnt take them long to estimate within a fairly narrow range what that school should cost, if it's 6 rooms or 7 rooms or 5 rooms, whatever it would be; because they have the relative cost per sq foot for the different types of construction. I can see what you're aiming at, because they just throw the bid in at what the conjecture is-the amount of money is available. Now mind you, that estimate for any other projects of city council or any other council...they can go to city hall and get it anyhow from the Works Department. They figure out what it's going to cost before they go at a job. Therefore the contractor...that's available to him. Now with schools, I dont know whether it's works dept of a school board, whether they figure it out the same way as the works dept of the city does, I'm not too sure. But whoever is in charge of the maintenance and the buildings of schools or the school board itself, they also do an estimate of what it's going to cost before they give it to the school board for discussion at council.

MR EDWARDS: Mr Chairman, may I call upon the Chairman of our Board to say something here, and another individual later?

MR COWLING: I'd like to say, Gentlemen, that the meetings are very informal, and any of you who would like to speak or ask questions, feel free to do so. Yes, Mr Matthews, proceed.

MR MATTHEWS: To continue this thought, we're not quite sure that we're doing this legally or not; but what we have done... we are now putting on a five-room addition to an existing school, and we have followed in this school, the procedure we sugrested here. We got permission for a \$10,000 debenture for the architect's services. Then we went down to council and we told them how much room we needed and we kept out of...there was no mention of the possible

eventual price for the five room addition. Tomorrow evening, we're going to get the tenders in and we discovered on the way down here today that this may be very illegal. But nevertheless it is an attempt to keep down the cost, to make it genuinely a free competitive tender. In the past we have estimated how much it would cost to build a school like you were outlining except in a small board, the board meeting does this in association with the architect; and we've gone to the town council requesting them to arrange funds to the amount that we have estimated will be required for this school. This always hits the papers; and the point we're trying to make is this amount should be kept quiet by a different method of arranging for funds, until such time as the actual plans are prepared and the specifications are out for tender and the tender is in; then we ask for the amount of debenture that we think that we will need. Before we used to estimate and the debenture was requested off the town council to arrange for the funds, submit them to the Municipal Board for approval, get them back and then we hired the architects who drew up the plans and then it went through the routine; once we got the tenders, then we would ask them to confirm the amount of debenture; and the last four schools we constructed in Whitby, always we've had to go more; so we thought this time, we got this idea last August, that we would try it by keeping this amount of money we needed quiet...we'd just ask the town council for money to pay the architect. We had to be legal-we couldn't commit ourselves to an architect, and this has the approval of the Municipal Board so far. Tomorrow, when we open the tender for the school, we will pick the best tender and then we'll ask for the full amount. We're hoping that this time it will be lower than our estimates.

MR MORROW: Have you found now by doing it this way it has cost you less per sq.ft.

MR MATTHEWS: This is the first time we've tried it; we don't know that.

MR THOMAS: It will be interesting to hear the results of it.

MR MORROW: Would any of these people tender on

this thing without your architect giving specifications?

MR MATTHEWS: On no, they all have the specs.

MR MORROW: They all have the specs and do an estimating job before they really tender.

MR MATTHEWS: I recently had an experience ofI manage a factory in Whitby, and we put a large addition on last year; and when we called for tenders, four or five of the contractors tendering phoned me up and said: How much do you think this is going to cost you? When I said: I'll tell you the day after the tenders are in, they said: Oh come on now, it will make it easier to do our tendering job if we know how much money you've got.

MR BELISLE: Mr Chairman, how many schools have you built in Whitby in the last three or four years?

MR MATTHEWS: In the last four years, we have built 3 completely new schools and added on to an older school.

MR BELISLE: Have you tried to copy a second design to reduce the cost?

MR MATTHEWS: The last two we built were copied off a school we built the time before; and we saved 2% of architects fees. They dropped it down to 4% because he repeated. And actually the architect made more money on the 4% than he did on the 6%.

MR MORROW: According to the Architect's Association, they're not supposed to do that.

MR EVANS: Tell me how did you keep this quiet? Did you have a closed meeting of council?

MR EDWARDS: We had a meeting of the school board, and we went into a committee of the whole and we requested the newspaper man not to mention it; and every time that we discussed this subject, we impressed on them-keep it quiet- now they don't have to, but they were asked to do so.

MR SINGER: How do you do your capital budgeting if this becomes common?

MR EDWARDS: Well a capital budget is a different thing; we're not dealing with specifics; we're dealing with an estimated sum over a five year period.

MR SINGER: No, but your current capital budget-surely council has to determine each year it anticipates to spend X dollars which it believes the money market will make available to it.

MR MATTHEWS: In the past, we havent been in the habit of doing it that way; our normal year's budget only includes the money necessary to the operation of the school system plus modest capital expenses, such as new equipment and replacements. Major capital expenses, such as buildings, have always been kept out of the regular budget; and a request is brought up under a special debenture as required.

MR SINGLER: Doesnt the council at least have to go through a mental process, and even producing a paper saying, in 1962 we're going to be able to raise \$17½ million in the money market, of which \$5 million will go for schools and....

MR MCEWEN: They do go through the mental process, and the basic requirement for 5 rooms is \$20,000 a room say and they put in \$100,000- there is no real tie on their debenture or maybe some tie on debenture.

MR SINGLER: Well it's got to, because whoever buys your bonds they are interested in knowing how much you are going to sell in that particular year.

MR MCEWEN: Yes. Fortunately also we are over our peak for the year.

MR SINGLER: Would the same thing apply in the construction of roads and sewers and bridges?

MR MATTHEWS: I dont know how that...I know the tendering for roads...I know in the tendering of streets in Whitby, they dont publish the list of streets that are going to be tendered until the tenders are actually placed in the hands of the contractors, and there is no indication of the amount of money available.

MR THOMAS: That's quite true.

MR SINGER: But surely somebody must work this out; from my experience on council, and I think most people who have served on councils have had the same experience, when council in a particular area wants a certain work done, the municipal engineer

says: Well that's going to cost so many dollars. And he has to satisfy your colleagues that (a) it's important enough, and (b) that there's going to be enough dollars available to go ahead. So surely there has to be some allocating, whether you do it on paper or mentally, so many dollars is to be spent for a specific work.

MR COULING: They must know about the money or have an idea.

MR EDWARDS: On roads there's a fairly stable project, so much is allowed with a difference of just a few cents; in the Town of Whitby, we talk about \$10,000...no \$7,000 a year expenditure on roads, but in a school, you can get one 7 or 8 roomed school costing \$130,000 in Lindsay and it cost us \$214,000.

MR SINGER: But haven't you got the privilege of re-tendering if you want to, if you think the price is too high?

MR MATTHEWS: Oh yes ; but of course there are so many other factors; this is only one factor. I think this business of keeping it quiet and keeping the amounts dark until the tenders are in, is only one factor. There is this other factor of having a standard design of schools and I'm sure it will save much more money than this one.

MR SINGER: I agree with that, but I'm dubious about your first one; I don't know that your gaining your....

MR MATTHEWS: We don't know either.

MR MORROW: If you could get them to do some honest estimating themselves; that's the point that you're trying to achieve instead of them tendering for the money that you have available or they think you have available.

MR THOMAS: There would be a tendency that way, I think because the amount of money needed for the building of a school is announced before the estimates are received, and they know what they're going to spend \$90,000 or \$100,000 on that school, even before they receive the tenders. So that would be their minimum bid anyway.

MR MATTHEWS: This is what we think is the tendency, although of course, anybody in the school construction business knows that the Dept of Education gives a large grant of \$20,000 a room; and they also know that every school board tries to stay under

this amount of money anyway; so there is a certain amount of information around already.

MR MORROW: The last four or five that you built, do you know what they averaged you per classroom? (yes)

MR SINGER: Or per sq foot?

MR EDWARDS: While he finding those figures, another item comes in; one architect will estimate his sq footage at \$12; somebody else builds a similar school at \$13 a sq foot.; but the first architect included the overhang of the building.

MR COWLING: I wonder if we could have Mr Taylor, our legal counsel give us his opinion on, are they within the act?

MR TAYLOR: Well as I understand it, your practice has been to have the board estimate what the school would cost at X dollars and usually add a percentage to be on the safe side and then go to council and get its consent to the construction in principle; then you go back and get either your architect to draw the plans and then when you get them, you call tenders and then when you get the tender price, the application is made to Council and the Ontario Municipal Board for the expenditure-is that correct? Now as I understand it, what you want to do is have your plans prepared in advance- is that it? In other words, you'd have your architect retained before you even get to council- did you?

MR MATTHEWS: No, no we go to council first in camera we didnt ask for the whole amount right off the bat just...

MR TAYLOR: You went to council in camera and you got the councils permission to go ahead with the plans; is that the idea?

MR EDWARDS: What we did that time is we talked about a new school so they knew what we had in mind, and we asked for a debenture issue of \$10,000 for architect's fees which gave no indication of the amount we might need. Having acquired these funds, we had an architect draw the plans; the council knows exactly what's going on, but it's just a committee. We advertised for tenders- this is the procedure we followed now--this time. And we're not just too sure it's too legal.

MR TAYLOR: That isnt a deviation-the preparing of

the architects plans prior to going to council and Ontario Municipal Board for approval of the expenditure on the assumption that the architect's fee would be part of the capital expenditure which the money would be raised in a subsequent year; so that technically, you'd have to get the Ontario Municipal Board's approval of it prior to the architect's contract, unless you pay it out of current revenue-that's your problem, I think.

MR MATTHEWS: Yes, that's right; if this school doesn't go ahead and if the Municipal Board doesn't turn it down, we would have to pay that architect's fee out of current.

MR COWLING: And has the council approved of that?

MR MATTHEWS: Yes.

MR BELISLE: Mr Chairman, what's your average cost per classroom in the last three years?

MR MATTHEWS: \$22,500. We built two schools together and they averaged \$22,500; one was a little more expensive than the other.

MR MORROW: Are they new units or additions?

MR MATTHEWS: Brand new units-the cost is a little higher because all the services are in there for additions, heating and plumbing and everything- they're all in there for additions.

MR EVANS: That's pretty good.

MR MATTHEWS: Now this year we're putting on a five room addition to one of these schools.

MR MORROW: You're getting down pretty close to cost.

MR MATTHEWS: Well just the contractual cost; besides that, there's all the furniture and everything; the average furnished is about \$26,000.

MR COWLING: Is the council going along with this procedure, if you can get away with it? (yes) They're for it?

MR MATTHEWS: Yes; they have given us approval, and also we have the approval of the Ontario Municipal Board on this \$10,000. The Municipal Board approved the process also. The Dept of Education has approved the plans for the school and all this sort of thing.

MR TAYLOR: You may have to go back to the Board to cover the extras.

MR MATTHEWS: We have to anyway; even when we get the tenders, we have to go back- it always costs you more; but this way we're trying to avoid that.

MR SINGER: Why cant you hire your architects to build you a school costing X dollars per classroom? And no more than X dollars per classroom.

MR MATTHEWS: An architect told me that you can build a school anywhere from \$9 to \$16 a sq foot; and you tell us what you want and we'll demand for that; but this we thought new.

MR SINGER: We had a similar thing in our municipality about a swimming pool; we decided in council to build a swimming pool for \$100,000; and we were going to build it in a school -by a special Act- and the architect who built the school was called in, and he said that's ridiculous-you cant build it for less than \$250,000. We said that's fine; we'll get another architect who can and will, which we did and we did it on the basis that we would not build the pool unless it cost \$100,000 or less. And strangely enough we got tendered prices for that amount and we have the pool. But we entered into that agreement quite regally, quite properly with this architect. And when we fixed our end price, we said: You're getting no money at all unless the price comes in under our estimate.

MR MATTHEWS: Is that right? If he didnt get the contract, you wouldnt pay him. (yes)

MR BELISLE: This is being done in separate schools; you must build it for \$20,000.

MR COWLING: He must be popular with the other architects then. (all talking rearchitect's operation)

MR BELISLE: Well I understand there are architects for all municipal and school purposes.

MR MATTHEWS: This is our second point, a standard plan like Central Mortgage and Housing builds houses. A person building a CMHA house can look in a book and get the plan they want for \$25.

MR BELISLE: It's true the Separate School doesn't have to go through the council for debentures; but on the other hand, they nearly make it a must that they can't go over, and I'd venture to say that 65% of the separate schools are built under the \$20,000 all equipped.

MR MATTHEWS: They get the same grant from the province don't they? (yes) So the province in fact is paying most of this money.

MR MORROW: They're building for \$8 to \$10 per sq foot.

MR THOMAS: Mr Chairman, that's a point well taken you take Central Mortgage and Housing—they have the catalogue and you can choose from 20 -30 homes; and the plans only cost you \$10.

MR COWLING: But there is a big difference, Tommy, and I remember dealing with the Dept of Education on this very thing. The Central Mortgage and Housing are people who are working as civil servants, aren't they? Or their employees? When you're dealing with school boards, you're dealing with elected people; and elected people have a way of wanting things done a little differently in all communities. They are not dealing with that same type and if you have a book and it lists a whole group, you're bound to get a school board that wants just another deal in it. And that was the reason why the Dept of Education said it was very difficult to do what you're asking them to do when they're dealing with school boards.

MR THOMAS: Well if they wanted to accept another set of plans different from what was prepared by the Dept of Education, let them go ahead and do it; they wouldn't get any more than the \$20,000 grant on the schoolroom. But you've got a set of uniform plans, say a dozen that any school board if they wished to, could have a look at.

MR MORROW: They have them in the Dept here; I went over raising hand, thinking that they could come up with 7 or 8 alternative plans and so on, and make those apply throughout the province.....

MR COWLING: Have you seen these plans?

MR MATTHEWS: No, no.

MR BELISLE: Mr Chairman, I think your argument is so

week that I would call this \$8 to \$10....well after all the tax payer has to pay for it either an elected representative or through an appointed architect.

MR EDWARDS: But in all fairness to the Chairman, I must admit that the trustees as a body have insisted up to the present time that their autonomy is inviolate; you must not tell us what we must build.

MR MORROW: How many people are on your school board?

MR EDWARDS: Three of us on; Mr McEwen is representing council. There's three of us.

MR MORROW: Then you can determine your needs and then you go to council and say: This is what we want...

MR EVANS: Mr Chairman, I like this; this is real cooperation when you see a school board that is cooperating with the council-this isn't usually the case.

MR MATTHEWS: It hasn't always been the case.

MR EDWARDS: Well it used to be up to three years ago, the trustees declared that they were as fully as empowered as the council-they had the same standing and were not subservient to the council-this is wrong. And our attempt is to bring down the costs. I'd like to go to the council and say we were able to do this for \$20,000 less. You see we sit down at the school board with the architect and he says, Now we can do this for \$170,000, but for another \$5000, we can have double plate glass, which in 20 years time will save you \$40,000 worth of fuel. Now you have to look ahead in the future. Are we in a position to justify our decisions?

MR MATTHEWS: You have to justify them in analyzing the cost.

MR MORROW: I'd be interested in knowing if your present method...if you get it operating, if you really succeed in lowering your classroom or your per sq foot costs.

MR MATTHEWS: We'll certainly let you know as soon as we open the tenders tomorrow night.

MR SINGER: In my experience in York Council and in Metro, the tender price will vary in accordance with the economic situation; if contractors are busy, then prices are high; if the

season is slack and there's lots of competition, the prices are low, and our guage of them was the best estimate we could get from our own personnel- our engineer. Sometimes they were high and sometimes low and I've seen big tenders vary as much as \$100,000.

MR MATTHEWS: It depends then on competition in the open market, whether the contractors are busy or not busy, and how badly they want the job.

MR SINGER: In fact if none of them want it, you'll get a very high bid. (chit chat) Whitby isnt too far from Toronto, and this present season, if the metropolitan area is slack and the tenders are properly advertised, you should get some good competitive prices from Toronto.

MR MATTHEWS: We've had twelve people pick up the bids and we expect some good prices.

MR COLLING: Well who has an idea of what you're going to spend on the school?

MR MATTHEWS: Well we do. We've figured it out and our architect figured it out somewhere between \$16,000 to \$17,000 a room. This one is easy because an addition to a school where we have stuck to the same standards pretty well; we have to deviate somewhat.

MR SINGER: The only basis on which these contractors can gather together for fixed prices is where you have the very limited number of contractors and enough work to go around, they pick and choose and they say: It's your turn today and mine tomorrow. But you're within a few miles of the metropolitan area, where there's plenty of contractors unless they're all very busy; it would seem to me that competition today is pretty keen.

MR MATTHEWS: The last three schools we built, we had two built by a Scarborough contractor and one by an Oshawa contractor.

MR THOMAS: It would be interesting to find out how many tenders were from outside Whitby Town.

MR EVANS: Have any of these contractors tendering on the school asked you to find out what estimate is possible?

MR MATTHEWS: No, nobody asked. We advertised in the

regular way.

MR MORROW: You're really in favour of the board recommending to council which tender should be accepted?

MR MATTHEWS: No, No I'm not in favour of that at all. We recommend...we pick the tender and say this is the one we have picked- the price we recommend for the school. We dont tell council; we recommend to council this tender at this price and we leave the decision up to council.

MR MORROW: I wondered at you leaving the decision up to council.

MR MATTHEWS: Oh no the decision is up to council.

MR EDWARDS: We pointed out in this second letter here that we feel that this is a recommendation to council; after this business of co-operation is important and it goes to council. It still has to go to the people or to their representatives.

MR MATTHEWS: One of the gentlemen raised this point whether we...asking what we meant by this point (c) and whether we would allow council to dissent. That word should not be "recommend" it should be "advise".

MR BELISLE: Mr Chairman, at the RCAF Radar Station at Falconbridge, a year ago they decided to increase or build another four room public school; and they called for tenders and they hired a local architect. The tenders were \$28,000 per classroom and Ottawa said no. They hired their own architect through the Central Housing Corporation, and after the school was furnished, it was \$120,000 per classroom. I say it's the architect; as long as we keep changing architects and employing architects, we'll have different standards, different recommendations. After all 6% of \$100,000 is better than 6% of \$50,000.

MR THOMAS: Of course the higher the price, the bigger the commission, isnt it? (yes)

MR EVANS: In my experience, with the stroke of a pen we wiped off 10% or \$40,000 of the amount of the school.

MR MORROW: After all it's up to us to determine how much we want to spend and hire our own architect and...

MR SINGER: Well here we have a feeling of responsib-

ility properly directed by the school trustees.

MR MATTHEWS: That's the essence of it.

MR COWLING: Could we have a discussion on this uniform set of plans; could you enlarge on that, the point you've made?

MR EDWARDS: Well not being an architect, I cant visualize how many wou'd be the correct number; but I would think half a dozen standardized plans in this province, making exceptions of course, for Northern Ontario, would be sufficient. I was telling my colleagues on the way down-we just got the most recent edition of the School Journal, and there was about six different schools pictured there, some are high schools and some are public; but as far as far as I can see, in the main they're pretty identical, except for the entrances. They're the same size, same layout, roughly speaking, and only the entrances are different. And I would think that six plans should be enough.

MR MORROW: The professional architect will tell you that he's got to draw these plans according to the site. I know in Ottawa they proceeded on one site and after three months they had to scrap the whole thing because they changed the site and he had to draw new ones to fit in with the new site. The old ones were no good because they changed the site.

MR MATTHEWS: There's a certain amount of truth in that-I dont agree that six is enough; I think you need more than six... and standardized specifications is another thing too. The Dept now just issues minimum standards for classrooms; they dont issue maximums and they dont issue standard specifications on types of construction-that's up to the local boards. I know when we had to adapt the Palmerston Ave School to the R.A. Hutchinson School, we had a grading problem and we had to change the front. There are certain valid arguments.

MR SINGLER: Does your board look after high schools?

MR MATTHEWS: No, we have a District High School Board.

MR SINGLER: District High School- and appointed Board?

MR MATTHEWS: They built two high schools in the last eight years and these are identical plans on different sites and

they werent too bad.

MR MORROW: The Dept tells me the average cost at the present time for the minimum secondary school with vocational facilities, are running around \$17 to \$24 per sq foot. The academic ones will run about \$4 per sq. foot cheaper.

MR MATTHEWS: That's up pretty high, isnt it?

MR COWLING: Have you any ideas, Mr Chairman, how we're going to stabilize these educational costs?

MR MATTHEWS: Well, Mr McEwen mentioned one point coming down in the car that now debentures get approval of the Ontario Municipal Board in the town before the debentures are issued. He felt that if they went one step further and guaranteed the debenture, it would make them more secure and therefore, they could be sold at a lower rate of interest or a lower discount. At the present time they are only guaranteed by the town and the OMB approves the financial status of the town; but if they only went one step further and actually guaranteed the debentures, it would reduce the rate of interest. Now our debentures payments on schools in Whitby this year is \$87,000, at which approximately half is interest. Now this is being paid and the Dept of Education pays 49% of that, because we're on a 49% grant, so it's costing the Dept an awful lot of money-this high rate of interest-that municipal debentures are being sold for. This will reduce the cost. Another thing, I think we should use schools longer hours. It's the most expensive construction per hour use- that and churches have just about got it beat.

MR SINGER: Do you allow the use of your schools for municipal purposes?

MR MATTHEWS: Yes. We used to use the town hall; but then we got a new town hall and they dont like anybody using it, so we use the schools. (laughter)

MR MORROW: What rental do you charge?

MR MATTHEWS: No rental-only that the janitors have to be paid, except if people are raising money-then we charge.

MR MORROW: Do you allow dancing?

MR MATTHEWS: We have allowed some dancing from community associations and local school groups; we dont really like this,

though. (chit chat re dancing)

MR SINGER: Do you think you have too many school boards in the County of Ontario?

MR MATTHEWS: I do; I agree with that; I dont like all these boards and commissions. I believe we should have a system where grade 1 to grade 6 is in one school system; 7-9 in the junior high school and then the rest in the senior high school and under one board.

MR BELISLE: Do you feel that high school boards should be elected?

MR MATTHEWS: Yes, I do; this appointed board is for the birds; you have no way of controlling it and no way of getting anything done except just pleading.

MR COWLING: Mr Edwards said that in his opinion the trustees were in the same status as the council- the alderman; do you think the trustees should be paid then?

MR MATTHEWS: No.

MR EDWARDS: On these grounds, Mr Chairman. Up to a few months ago, I would have said, definitely, no. We shouldnt change something that has been established so long. But I will put it up to you-my point of view; how can a working man- a trade unionist as I am...it is most difficult for me to go to all the educational affairs that are available to trustees; we have week-ends free, that is true, and I can attend; but when it comes to during the week, the ordinary guy who is employed, just cant get to them; therefore he is not doing the job as well as someone who has a salary and so on; so I would suggest that an hourly wage earner should be re-embursed to get to these various functions. Today, I believe is the very first time the Whitby School Board has ever re-embursed a trustee.

MR MATTHEWS: Oh well but that's perfectly acceptable to us, and that is not being paid. You re-emburse out-of-pocket expenses but you're not being paid a salary.

MR COWLING: That's what I meant, a salary.

MR MATTHEWS: I dont agree with a salary. I think most of the trustees I bump into are trustees because they're inter-

ested in education.

MR MORROW: That is their contribution to the life of the community. (yes)

MR COWLING: Wasnt it discussed at your last Convention that...this...oh it was turned down, was it? (yes) I know it keeps coming up regularly.

MR MATTHEWS: There are 7 different trustees associations, and we didnt belong to that one.

MR THOMAS: Well it was said that the trustees shouldnt be paid because they're interested in education and this is their contribution to community life; well wouldnt it be true then to say that the municipal council is interested in municipal government and shouldnt be paid either?

MR MATTHEWS: I dont know, Mr Thomas; I've never been interested in municipal council work myself, so I havent thought about it much. They are called upon to work many more hours than a trustee. I know that one of the fellows in Whitby Council didnt run last year because it cost him over 1000 hours the two years he was in office. And I think the \$600 which is the Whitby Council schedule is not such to attract anyone for the money. The school board isnt onerous. I think if you did pay trustees, you might attract the people who are in it either for the money or political advancement, using it as a stepping stone. Our people are all interested in education, which is the important thing as far as I'm concerned. I think another way of reducing the cost of education is by another way of financing- of financing not by debentures, but complete provincial funds at low rates of interest. The interest is what kills it.

MR COWLING: What percent are you paying for your last debentures?

MR MATTHEWS: 6%....and we sold them in a lot for a discount?

MR MCEWAN: Yes at a small discount.

MR MATTHEWS: They worked out to about 65/8%, 20 years.

MR THOMAS: What does the municipal corporation, sponsored by the government, what do they charge- 6% too?

MR MCEWEN: We havent sold any for a year...oh our expenses are running around 6 $\frac{1}{2}$ %-municipal improvement. (chit chat)

MR COWLING: Well are there any other questions, Gentlemen, to our delegation?

MR MORROW: Mr Chairman, I think we should commend this delegation for two things, firstly, for trying to cooperate in every way with the local council; which is not always the case of school boards and councils; and secondly, for trying to devise every means possible to lower the costs...your capital costs of building your schools. It is very commendable indeed.

MR COWLING: Well we appreciate your views, Gentlemen; it's all very helpful to this task of ours. And we'd like to hear how you make out on this tender. Thank you very much for attending.

MR MATTHEWS: We appreciate your attention, Gentlemen. Thank you very much.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

MONDAY,
AUGUST 27th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, O.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

AS M. B. F. I.

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

Wilmer Schaus - Clerk-Treasurer

PRESENTATION:

BRIEF - THE CORPORATION OF THE VILLAGE OF NEUSTADT

13:08

THE CORPORATION OF THE VILLAGE OF NEUSTADT

ALFRED H. COWLING, CHAIRMAN

MR COWLING: Gentlemen, we have Mr Wilmer Schaus, Clerk-Treasurer of the Corporation of the Village of Neustadt-Neustadt is where, Mr Schaus?

MR SCHAUS: Grey County.

MR COWLING: Well we all know where that is. Now if you'd just like to go ahead, Sir; it's very informal...we will interrupt or ask you to enlarge on any points we may not understand as you go along. Just be seated.

MR SCHAUS: Mr Chairman and Members of this Committee, originally, our Reeve, Mr Henry Lantz was going to present this Brief; however this year he is Warden of Grey County, and county business took him to Niagara Falls today, and therefore I am substituting for him. Our Brief states that (reads) "Section 398 (1) of the Municipal Actcarried on." The problem is that in a residential section of the village, two salvage yards are in operation which store and dismantle old farm machinery, old metal, other scrap material and salvage along with wrecked motor vehicles. To date the village council has been unable to prohibit the use of lands or define areas for such a business. The purpose of this submission therefore is (reads, para 4) "to request.....such articles."

MR SINGER: There is no reasons that all of the powers granted in the Act should not pertain to all municipalities.

MR EVANS: I agree with that. This is a real problem in a small municipality.

MR SINGER: There is no reason for these things in my opinion; there might have been a reason 100 years ago, but there is certainly no reason today.

MR COWLING: Well I was going to say- what is the background? Do you know, Mr Taylor, how these were eliminated originally?

MR TAYLOR: No, I dont know, Mr Chairman, what reason there could be; because they certainly dont bear any relation-

ship to population.

MR MORROW: I would think that many many years ago, the ordinary village had all kinds of land around; it was a very sparsely populated place, and if it had any of these businesses that interfered with anybody, it would be outside or away from the village proper. But today they are more closely knit and now it's an eyesore right in the centre of the place.

MR COWLING: Have you done anything about this before, Mr Schaus?

MR SCHAUS: Well we asked one of the owners of one of the salvage yards if he would mind moving it to some...to the outskirts of the village, off the residential streets and away from the homes, and apparently he checked with the lawyer, and the lawyer told him they cant make you do that-the Act says that they have no power to do this; so they're right there among some nice homes and it's quite an unsightly mess.

MR COWLING: And he didnt want to cooperate?

MR SCHAUS: No. He said he was aware that the village cant do anything to prohibit him.

MR COWLING: He didnt know that before? (no) How long has he been in the village?

MR SCHAUS: Oh, he's lived there all his life, and the yard has been in operation for possibly 20 years. Furthermore, we got a great deal of information from our Dept of Land Development-I think it's changed, the name of the Dept now, but there isnt much point in the village carrying on with land that cant produce--just something like this.

MR GORDON: It's the biggest eyesore in any countryside to see as you drive around.

MR EVANS: And they never get rid of the old junk--just sell all the accessories.

MR GORDON: And when they get to the limit as far as their yard is concerned, they start piling it on other property.

MR MCNEIL: And there's no limit as to the height.

MR EVANS: Does it have odours?

MR SCHAUS: Well they have always complained about rats.

MR GORDON: Do they do any burning at all?

MR SCHAUS: No; they have a car lot and they burn there, but the other salvage vard, they...

MR COWLING: What about the medical officer of health up there? Can he do something?

MR SCHAUS: We notified him a year ago and he took a look at it and he said we would have to prove that the rats were coming from there and not from some other place- perhaps from some garages, or a car shed, or some place like that. We werent able to prove that the rats came from there- from that scrap yard alone, so he couldnt help us there.

MR COWLING: Is there any smoke or polluted air around?

MR SCHAUS: No, not that people are complaining about.

MR MORROW: Mr Singer, can townships- do they have the power to pass a bylaw on this?

MR SINGER: I think so.

MR COWLING: It's just towns and villages that cant.

MR TAYLOR: Townships and towns may- it excludes villares.

MR COWLING: Is there anything else you'd like to say about the situation itself while you're here.

MR SCHAUS: No that is the main part of our Brief; and we hope that you will give it favourable consideration.

MR COWLING: Well I'm sure we will. Is there anything else that you'd like to bring to the attention of the Committee as Clerk-Treasurer in your village, any matters on municipal affairs? anything that maybe has been bothering you over the years that you would like to bring to our attention?

MR SCHAUS: To tell you the truth, I only took over this village Clerk-Treasurer on July 1st. I was on the council for 3 $\frac{1}{2}$ years before that; but other than this, we have had no problems.

MR MORROW: The training that you have for this present position are your years on council?

MR SCHAUS: Yes, yes. And I was in council when we originally started discussing it- these salvage yards.

MR MCNEIL: How large is your village?

MR SCHAUS: Our population is 503.

MR MCNEIL: And what is your assessment?

MR SCHAUS: Roughly \$265,000...\$267,000 I believe.

MR THOMAS: How do you manage about the administration? What is your staff composed of? You are the Secretary-Treasurer.

MR SCHAUS: Yes and we only have a village roadman.

MR MCNEIL: and an assessor?

MR SCHAUS: Yes, that's right.

MR BELISLE: Are you the collector of taxes? No.

MR MOR OW: Your assessor, what else does he do?

MR SCHAUS: He's a carpenter, he and his father do quite a bit of building.

MR THOMAS: He's on a part time basis, is he? (yes)

MR EVANS: Are you a full time employee? (no)

You're part-time? (yes) What is your occupation? I'm a shipper with a feed and flour mill in Harover.

MR COWLING: Well if there's nothing else, Gentlemen...Mr Schaus, we appreciate your coming all the way down here to bring this matter to our attention, and I think you can see we are extremely interested in your village's recommendation, and we'll give it our consideration.

MR SCHAUS: Thank you for giving me your time, Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

TUESDAY,
AUGUST 28th, 1962

MORNING SESSION

HOLLIS E. BECKETT, M.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

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Thomas D. Thomas

APPEARANCE:

Donald W. Brown
O. T. Sigsworth
Mrs. Agnes Ross
W.J. McCordic
T.P. Topping

PRESENTATION:

BRIEF - THE METROPOLITAN SCHOOL BOARD

THE METROPOLITAN SCHOOL BOARD

HOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well, Gentlemen, if Mr Brown would introduce the members of the delegation.

MR BROWN: Mr Beckett and Gentlemen, I would like to introduce, first of all the Chairman of the Toronto Board of Education, Mr Oscar Sigsworth; secondly, I would like to introduce Mrs Ross, the Chairman of the East York Board, and presently sitting on the Metro School Board; and I would like to introduce Mr McCordic, who is our Executive Secretary, and Mr Topping, who is our Chief Executive in the Assessment Department. And I am Donald Brown, Vice-Chairman of the Metropolitan Board.

MR BECKETT: Well, Mr Brown, you may commence any way you want to.

MR BROWN: Well, what I would like to do, with your permission, Sir, is to read the presentation as set out by Mr McCordic on behalf of the delegation here; and after this has been read, we will be only too glad to discuss it in any way you gentlemen may see fit. (reads) Gentlemen, in the Province of Ontario.... adopted June 26th, 1962." (end of Brief)

MR BECKETT: Do you want to comment on it yourself, or any member of your delegation?

MR BROWN: I would be glad to have any member of the committee comment on it at this time, and if you wish, I would like to have Mr Topping comment on it.

MR SINGER: Before you start, Mr Topping, I was impressed with the title that you have and I wonder what it involves.

MR TOPPING: I am an officer and the Director of Assessment Division of the Metropolitan Board. It is my job to see that all people who are supposed to be public school supporters, are public school supporters and the Public School System is getting all the assessment they should get for public school support. We file any appeals through my department for a change of assessment from separate to pub-

lic schools. There is a similar department in the Separate Schools.

MR MORROW: Are you located in City Hall?

MR TOPPING: No, I'm located in the Metropolitan School Board on College Street.

MR MORROW: In some cities they're at City Hall.

MR TOPPING: My department is under the Metropolitan School Board.

MR SINGER: This is the Metropolitan system of government? (yes)

MR BECKETT: Do you want to comment further, Mr Topping?

MR TOPPING: Yes, I would like to; the main difficulty that we have and have had for a good many years in my particular department, is confliction in our Assessment Act, in Sections 25 and 26 of the Assessment Act and Section 54 of the Separate Schools Act-it used to be Section 63, and Section 63 has always required that the Roman Catholic ratepayer give notice in writing to the Clerk that he was a Roman Catholic and desired to support the separate schools; and the Clerk would keep this index signifying who had given such notices; and when the assessor makes the assessment, then he is to be guided by this index. Then he has no authority to change, or didnt have the authority to change a person from separate...from public to separate school without the consent of that person. Now Section 26 is the Section that gives us the most difficulty; and this is where the confusion comes in. I'm not too concerned myself, nor through the work in my department as to whether we should actually insist a Roman Catholic give notice in writing; but we do have considerable trouble since this Section wipes out the necessity of giving a notice. The first part of the Section states that the assessor has the authority to change a person to separate school support with that person's consent, and not otherwise; and yet the latter part of the same Section even wipes out the necessity of the consent, and allows the assessor to place a person on the roll as a separate school supporter so long as he knows him to be a Roman Catholic.

MR SINGER: Does Mr Gray's department use the second

part of the Section frequently?

MR TOPPING: I would presume to a certain extent they do; in my own report of last year for Metropolitan Toronto, I filed 5762 appeals changing school support for one reason or another, from separate to public. Now the reason for a number of these appeals, and there's about 25% of them is this:- I appealed 258 assessments in Metropolitan Toronto last year for rate payers who were assessed 100% separate supporter; these 258 were not Roman Catholics; in other words, how did they get on the assessment rolls as separate school supporters when they were not Roman Catholics? The answer could easily be that the assessor assumed he knew they were Roman Catholics and placed them on the roll as separate school supporters without their consent. 1297 of my appeals were filed against rate payers who were assessed as separate school supporters, and they had children in attendance in the public schools; in other words there's nothing in the Act in this Section that states that an assessor must ask a family where their children are going to school; so we had 1297 placed on the rolls as separate school supporters even though their children were attending the public schools.

MR SINGER: How do you get that list, by cross checking yourself the attendance list against the tax rolls?

MR TOPPING: Yes, that's correct. We check the assessment rolls every year.

MR SINGER: They wouldnt come in voluntarily, phone you up and say we're public supporters, or write to you...

MR TOPPING: Oh yes, a good many of them do; when they receive their assessment notice, and of course a good many of them dont understand an assessment notice when they see it, but a large number of these would be telephone calls and others would be checking our school lists, and others would be door to door canvass.

MR MORROW: Some want to pay both.

MR TOPPING: Oh yes that's so. We would be away from this problem entirely if we had Roman Catholic schools and Protestant schools, but we just dont have that.

MR BECKETT: Do you check them with the Clerk of the municipalities?

MR TOPPING: Oh yes, we check the assessment rolls every year. And that is the main complaint I have with this particular Section, as I say, the last part of it. We have seen assessors call at doors and the people are not home--well they've got to get their information some where, and it might even be that they would ask the people next door, and they would accept information from them, but I don't figure that as knowing the fact; and I think that if the first part of the Section...I have no complaint with the first part of the Section, but I certainly think there should be some change, even if the latter part of that Section were wiped out so the assessor can only change the person to separate school support with the consent of that person as stated in the first part of the Section.

MR BECKETT: You don't think it necessary to have the notice in writing?

MR TOPPING: Of course that would be much better--a way of doing it from our point of view, but I'm not that concerned about the first part of having to give written notice, because people do...they could change their minds even during the year, or they could send in a notice at the beginning of the year that they want to be a separate school supporter and it comes along September, and they find there's no kindergarten, for example, in the separate school; they may want to transfer them and switch around to public, and we've got to do it all over again and change back.

MR MORROW: In the Brief of the Municipal Assessors, Mr Chairman, they asked for a written statement.

MR TOPPING: Written...they are complying in some areas, I know, with the written notice; but this Section had actually wiped out that written notice.

MR THOMAS: If your recommendation is acceptable to this Committee, it would lessen the work in your department considerably, wouldn't it?

MR TOPPING: Not only in my department, but the assessment department and all the clerks in the office too. Because every

time we file an appeal, we have to complete a brief to put before the court, and every one of these cases is just dealt with individually, so it would cut down the work considerably. And another point that I might bring out at the same time is this, I made a short survey this year- we have a tremendously busy year- and in our Ward 6 in Toronto as an example, there are seven divisions, and I had three men bring in the report..I had several complaints of where we had changed in that one particular Ward over 700 assessments last year, and quite a large number of them were where children were attending public school; now in that particular Ward, the largest percentage of the Ward is Italian population and Roman Catholic, but they desired the public school to begin with. Now of all the appeals we put in there last year where children were attending public school, in only three divisions of that Ward this year, over 30 assessments that I have to turn around and appeal a second time. I had changed them last year to public school support because each of those families had children attending the public schools, and this year when we rechecked that same Ward, and in only three divisions in that Ward, I had over 30 appeals that I had to process again. The assessor had changed them back this year to separate school support and those children were still attending school and intend to go back to the public schools in September. I had to do that all over again. I dont think it should be necessary and if the latter part of the Section werent in there....

MR SINGER: Why dont you suggest just taking out the latter part of the Section ...you take away the power of the assessor to do it of his own knowledge, then havent you got what you want?

MR TOPPING: Well I'm not suggesting that I'm going to tell the Metropolitan School Board that they should change this motion; I'm just going on the work that I am doing; as far as I'm concerned, it would be a big step in the right direction to have the latter part of that Section eliminated.

MR BROWN: Mr Chairman, if I might answer the question that was just raised, quite frankly and honestly, we have made this presentation to you for your perusal and thought and we would be

quite satisfied, I think, with what action you take in this regard, as long as you understand quite clearly the problem that not only we are facing, but the Separate School Board assessment group are facing at the same time. We want to be reasonable; we know they want to be reasonable and we've got a good working arrangement with them, but we do not feel that the assessor should be empowered with the power he's got at the present time; and eliminating this particular part of the Section or asking for a written authority from the tenant or owner, then in either case, a great portion of the difficulty would be taken care of. We leave that with you.

MR BELISLE: Mr Chairman, Mr Brown said that the public school and the separate school want to be reasonable; was this amendment or suggested amendment discussed with the Separate School Board? Or did they discuss it?

MR TOPPING: I don't think so; not as far as I was concerned. This was brought before the Metropolitan School Board and discussed, and I don't think that we discussed it. Of course I have discussed this quite often with Mr Jackman, who is my counterpart in the Separate School Board, and I might state for the benefit of this Committee, that we work together with the greatest of cooperation, in our department and the Separate School Board here, even to the extent of when our appeals are filed, we exchange the lists of our appeals, the Separate School Board and myself, and then we sit down and check, and we go out and investigate each others appeals, then we have a sit down before the court and thrash them all out; and by the time we go into a court, for years now the Separate School Board and myself here in Toronto, we haven't so much as had an argument in the court. And all these appeals that have been allowed or prosecuted in the courts, there hasn't been one argument between us.

MR EVANS: Can a landlord designate the tax by a lease, in other words can he...

MR MORROW: The tenant controls the support.

MR BELISLE: Mr Chairman, they are advocating that the power should be taken away from the assessor...you don't have to

answer this one- but those 30 that were put back on the separate schools, were they because the assessors were separate school supporters.

MR TOPPING: Oh, I wouldnt say that. As far as the assessors are concerned, I havent the foggiest idea whether they are public school or separate school supporters.

MR BELISLE: In other words, it's not because that they are of that faith that they are putting these back deliberately.

MR TOPPING: I would never make such a statement as that; as far as we're concerned, an assessor is a neutral man- how many Roman Catholic assessors or Protestant assessors there are, I dont know- I've never even looked into it. I dont think that is a question that should enter into it at all.

MR BELISLE: Was this also discussed with the assessors- the Assessors Association?

MR TOPPING: I have been to their Convention for the last ten years and I've never heard it discussed at a Convention yet- no.

MR SINGER: You've never raised it with them?

MR TOPPING: With the Assessors' Association, no I havent. I have raised it on a number of occasions with the Trustee's Association.

MR COWLING: Well this would apply all across the province, wouldnt it?

MR TOPPING: Oh, yes. And while I'm speaking chiefly for Toronto, being an employee here and where the biggest part of my problem arises, but I have appeared in courts right throughout the province for other school boards, and the same difficulty arises all over.

MR COWLING: How did it work out in Sudbury, Rheal?

MR BELISLE: Well this is the first I've heard of it.

MR SINGER: Well, Mr Chairman, in regard to this question, I would very much like to have the views expressed by the Separate School Board, and I wonder if we couldnt direct a copy of this to the Chairman of the Separate School Board, and ask him if he

wants to come before the Committee and express his views on this; I think we should have both sides of the story, if there is another side.

MR COWLING: Well I think that's fair enough, although you do have members of the Separate School Board on the Metropolitan Toronto School Board. (yes) So they're sitting in on this and I presume they voted for this recommendation.

MR BROWN: Well I cant tell you whether or not, honestly....I presume that is so...

MR COWLING: They would sit in on the discussions.

MR SINGLER: No, they wouldnt be in on the discussion, because this is the Public School Section in which they dont participate.

MR BECKETT: We'll send this on to the Chairman of the Separate School Board and ask for comments.

MR COWLING: Maybe he'd like to come here and talk to us.

MR BECKETT: We'll ask him. Would any other member of the delegation like to comment on any matter?

MRS ROSS: I would like to add this point that although you have taken the perogative away from the assessor to assume where the support should be, nevertheless you havent said that the ratepayer had his own individual rights to say what he wishes to support. Again you say the assessor may not assume, yet they get the information from a neighbour or from someone else in charge of the apartment building; there seems to be a conflict of opinion there.

MR BECKETT: What do you think of it, Mrs Ross, of having it in writing?

MRS ROSS: I think it would be a very good idea, otherwise we are taking from the ratepayer his rights.

MR MORROW: The municipal assessors themselves have asked for it in writing, and I think that's what should be. Could we ask Mr Taylor to read that part, Mr Chairman, what they have suggested.

MR TAYLOR: Dealing with Section 26, the Association of Assessment Officers of Ontario have suggested that Section 26

be amended to read as follows:- "The assessor, where the entry in the index book mentioned in Section 25, does not show a ratepayer to be a supporter of separate schools, shall accept the written statement of the ratepayer that he is a Roman Catholic and wishes to be a separate school supporter as sufficient prima facie evidence for placing such person in the proper column of the assessment roll for separate school supporters." In other words, the word "written" is inserted in the amendment.

MR TOPPING: I think, Mr Chairman, that is more or less along the lines that I have suggested; that the assessor be given a written authority to put into the Clerk at a certain date; that the assessor when he calls be given such notice; that would alleviate the problem. I certainly agree with Mrs Ross when she said the right is being taken away from the individual ratepayer, because I have people coming into my office day after day, particularly around the time school opens in September, and they want to enroll their children in the public schools, and they find then, for the first time, that they are separate school supporters, and have been made such without their knowledge; they hadn't the foggiest idea that they had been placed on the roll as separate school supporters; and of course each person is supposed to receive a notice from the assessor ten days ...at least right at the date of the return of the roll and he has ten days in which to appeal; but when we have so many as we have now -European families here, and so many people that are renting, the moment they see an envelope come to the house with Assessment Department on the face of it, they figure it has nothing to do with them- it is something for the owner, and they send it on to him without even looking at it. A lot of it, of course, you could say is the fault of the person themselves because a lot of tenants don't know that they have anything to do with the control of assessments; they don't open their notices and eventually they find they are down as separate school supporters, and then they have difficulty in the education of their children; so the right has been taken away from them by this Section as it is now set up.

MR BELISLE: Mr Chairman, could I ask a question of Mr Brown? Do you feel...the \$64,000 question...that the taxes are fairly distributed between the separate and the public schools, and I refer you to the corporation taxes?

MR BROWN: I'm not prepared to answer that, Sir, I havent got a breakdown, so I cant tell you.

MR BELISLE: But seeing that your Board is suggesting there's discrimination as far as the supporters are concerned....

MR BROWN: I would like to make this observation, this Board is not making any recommendation of discrimination; there is no discrimination whatsoever as I said before and I repeat, we want, both the Separate School Board and the Metro School Board, to receive their proper and due assessments, and not to be guided by one or two or a number of assessors.

MR BECKETT: Any other comments, Mr Brown?

MR BROWN: No, Sir, I have nothing more, Sir. I'm prepared to answer, or to try to answer any questions anyone may have.

MR MORROW: I would like to hear from the delegation, Mr Chairman; I understand that this Board has to do with the location of sites, and the construction of the schools in the Metropolitan area; is that correct?

MR BROWN: We have to do with financing of the school and the site, but the individual board concerned is instrumental in securing the site and in the construction of the building. All we do is finance...help finance.

MR BECKETT: You approve the capital expenditure?

MR BROWN: That's right.

MR MORROW: I'd like to bring up this subject for discussion, Mr Chairman; yesterday we had a delegation- a school group- and we might get some views from this one on the matter of co-operation they have with Council with this matter, whether they think you're spending too freely when there could be a little bit of saving....

MR BROWN: Is that a question, Sir?

MR MORROW: Well I'd like to open it up.

MR BROWN: I'll be glad to answer that for you- this is off the record; it's away from what we came for- but I've had the pleasure of presenting our budget, capital and local, to the Metro Council the past two years now; and in each of those two cases, and in the previous years, as I guess you understand it, there has been no difficulty whatsoever. The Metro Council have approved our budget, studied it with us; we have worked as a team, and it has been accepted on the basis as we have seen it.

MR MORROW: What are your new elementary schools running you per sq. foot?

MR BROWN: I wish I had my briefcase here; I think it is about, \$1450 or \$1435 a sq.foot.

MR BECKETT: Is that equipped?

MR BROWN: That's equipped, and that is the average for the whole of the Metro area.

MR THOMAS: Well their complaint was this- the School Board would go to the local Council and tell them they had intentions of building a school of so many rooms, and to issue debentures for around about \$250,000; and then they would invite tenders for the contract. The contractors would know how much they were going to spend and regulate their tender accordingly. Now that was their complaint.

MR MORROW: Without making an honest effort of their own.

MR BROWN: This is one observation I have made, and I'm speaking personally now, and not as Vice-Chairman of the Metro School Board or as a member of my own Board-but if Council had not requested that an estimate be made and sent in for tentative approval, then the school boards could ask for definite bids for construction purposes without the figure of approval being made available to the public, and this is one thing that has bothered me down through the years; I agree with you. I think the construction people wait to see what has been approved and then govern themselves accordingly. But according to our present legislative set-up, we have to go to the local council, seek approval, then go to the Metro School Board, seek approval then go through Metro Council, get approval, and then go to the Depart-

ment and get approval, and the construction people are sure to get the figures somewhere along the line, because they are made available at least five time; and I personally feel that every Board could ask for bids, knowing that their Council, and that those that were responsible for approval would give them that approval, because in essence they are almost expected to give them approval in the final analysis, and if they could make tenders available without offering to Council ...having to go to Council to get tentative approval, then I think a lot of this would be overcome.

MR BECKETT: Do you think you'd get a better price?

MR BROWN: I'd like to try it sometime.

MR THOMAS: They're trying it now.

MR SINGER: They're opening tenders today, aren't they?

MR THOMAS: Tonight- they're meeting tonight, and they're going to let us know the result of this policy on this one.

MR SINGER: It will be an interesting study; I suggested that really prices that come in depend upon the market. If there are lots of contractors around without too much to do, there will be serious competition, and the bids will be lower; but if they are all booked up, then the bids will be higher.

MR BROWN: We experienced that in Toronto here, depending on when those tenders are requested-what time of the year...

MR SINGER: And what the market conditions are.

MR BROWN: Yes, it has a great deal to do with what kind of tenders you get.

MR THOMAS: Of course, on the other hand, there could be collusion between them, couldn't there, irrespective of the times-no competition.

MR BROWN: You mean as far as builders are concerned...contractors and builders? (yes)

MR COWLING: They're all good reliable people.(laughter)

MR SINGER: If you have three or four tendering, but the Whitby group said they have 12 people tendering.

MR BELISLE: Mr Chairman, to Mr Brown, do you be-

lieve that if there was a new uniform plan of five or six designs, you would get cheaper schools? Maybe I should ask are you an architect?

MR BROWN: No, I'm not. I think possibly the cost of schools would be cheaper, but I wonder if it would be an advantage to education.

MR THOMAS: Well if the plans were approved by the Department of Education.

MR BROWN: You are suggesting now something like NHA in '45 or '46 where they had half a dozen plans for a home (yes) If we followed it through and those that were building at that time didn't....sure we followed it through but we made deviations as we went along, and the people that came out and checked just closed their eyes and we approved them accordingly. This would suggest that you can't go along with a standard pattern of four or five plans indiscriminately across the country.

MR MORROW: It's rather restrictive but they do it in England; they let out contracts for several hundreds of schools and they give one plan.

MR BROWN: Having just returned from England, I would hate like blazes to see our schools look like the English system in any way shape or form.

MR MORROW: They are very stereotyped. May be a little competition is best.

MR BELISLE: Yesterday we had the Whitby Public Schools and this is where...I'll read this:-" I would point out, for instance, that the County of Hertfordshire in England, a largely rural area, has purchased 100 schools of pre-cast concrete construction, which are manufactured in a factory and merely assembled on the site." they were suggesting that....

MR COWLING: Do they look like it?

MR BROWN: Yes. They are so far behind our set-up it is not even funny, in every way.

MR BELISLE: In other words, there's no such a thing as each individual architect having his own monument.

MR THOMAS: Their system of education is good, isn't it?

MR BECKETT: What about the results; I think that's what counts.

MR THOMAS: The results are good.

MR BROWN: I could spend a half an hour talking about this, and I don't want to do it, Gentlemen; I know you're busy but I spent some time while I was in England and some other countries as well checking the educational system. But in England, it just so happens that we'd had a number from Toronto and area visiting England this year and they have gone through a fair percentage of their educational system over there studying; and the report that I get from them- I didn't get the chance to go through nearly as many schools as they did- but the report that I get from them is anything but satisfactory.

MR BECKETT: In what way?

MR BROWN: They're behind in construction; they're behind in their educational promotion to what we are; we're way ahead education-wise.

MR BECKETT: Are their standards just as high?

MR BROWN: Well their standards are supposedly just as high, but when you get down to facts, they're not.

MR COWLING: Mr Chairman, I see the Chairman of the Toronto School Board here, and I don't think we should just let him sit down and enjoy life, so I want to ask him a question, if I may....many councils and council members have come before this Committee and suggested that they should have a little more control over school boards and their expenditures; and I wonder if you'd like to just comment on that.

MR SIGSWORTH: I was afraid, Mr Cowling, you wouldn't let me alone too long. I've been so satisfied to let the gentlemen at the front speak that I thought that should I venture to say a little, I might say the wrong thing. Your question, Sir, is whether or not councils should have more control over school expenditures. It is my considered opinion, Sir, that councils should not have more

control over school expenditures. You have heard on many occasions the opinion expressed that the members of school boards are elected, at the same election as the members of council; the public who elect school board members, if they are not satisfied with the performance of their spending of public funds for schools, the public have the opportunity to vote in opposition to the people in office. This is a very justifiable reason for permitting school board members to use their own judgment on the spending for education. In my experience - 9 years experience- on the Toronto School Board, and you are aware that the school board members serve without remuneration, I have seen many dedicated and devoted people serve on the school board. The budgets, when they are brought before the board, are scrutinized many times by the officials of the Department- a committee of the school boards review the budgets and I believe we must take into consideration the tremendous pressure that has been on the school board members since the war to act adequately, serve the people in the community and the children by providing accommodation and an education for these children to meet the demands of industry of our present time. I would state that it is because of the remarks in many instances of councils who are not in the least familiar with the problems facing school boards, and seek on many occasions for the benefit of impressions they could create in their favour, rather than basing these statements on complete facts as one can only find in the presentation and debate on the floor of a school board. I think the money that is spent on the school systems is spent wisely, efficiently and well. I will admit that school costs are high; and I will admit that costs in all industries and indeed, Sir, in the Provincial House here are rising. The bulk of the costs for education lie in the salary area, and if you are to hold the heavy costs of education then you are to hold salaries, Sir. This is the problem we are confronted with, but in the main, I think that the expenditures by school boards are very sane and wisely allotted.

MR BLCKETT: Mr Sigsworth, is the present system of Metro where you have your local boards and your metro, is it working

satisfactorily?

MR SIGSWORTH: Well we are studying this problem and I believe that the composition of the 13 municipalities in the Metropolitan area will benefit education to the extent that...many improvements have taken place; of course competition is brought about by the fact that there are 13 municipalities vying for teachers and for professional improvement in education. And while there could be competition between the other cities in the province, we believe the Province of Ontario provides one of the finest educational systems in the North American continent, and I feel that this same opinion has been expressed by many renowned educators of the United States. This is their opinion as well as mine.

MRS ROSS: I think there are perhaps two questions and I would like to answer with another question:- Do you think the elected councillors to be more efficient in handling the sums of money and would provide better education than the elected School Board members? If so, it is the prerogative of the ratepayer to choose; and at the same time, the council members, at the present time, are working for the municipality, very long hours, and I can vouch for it the school board members are working long hours. You haven't time for both and to do a job. It isn't possible to make a real job of council and do our business as well in the allotted time. A person can do just so much and do it well.

MR EVANS: I think, Mr Chairman, we've been confronted with this problem on appointed boards-these are elected boards here- it's on the appointed boards of the District High Schools throughout the country; they're not elected by the people, they're appointed.

MRS ROSS: Yes, appointed boards. Are you in favour of appointing the boards?

MR EVANS: No. I think they should be elected.

MR MORROW: Of course there is this growing feeling this last number of years, whether appointed or elected, with the rising costs of education, the school boards are spending large sums

of money, and the councils lately have been getting up on their high horse about it and they have been doing a little bit of bickering and fighting back and forth; it is perhaps becoming a little more acute than it has heretofore.

MRS ROSS: I think so and people are more aware of the fact, and too, we have more children to educate than we had some years ago, and it didnt happen overnight.

MR MORROW: I thoroughly agree with you people that the school trustees have their time well taken up with their duties, and the council people have their time pretty well taken up; and you both work on a part-time basis, and I cant see where the council people would have the time to do an efficient job in council and in looking after schools as well. I might say I'm in the minority on this Committee about that.

MR BELISLE: Mr Chairman, could I direct a question to Mr Sigsworth...in your dealing with Planning Boards, have you had any problem with them; to my knowledge, I know of three problems and one was taken to court. The school board decided to build a school on a certain site, and frankly, it was the only site available and it wasnt too costly and the Planning Board said: No. And they went to court-have you had any problem with Planning Boards?

MR SIGSWORTH: To my knowledge, no. We have one of our officials who works very closely with the Planning Board and sits at their meeting so is in constant contact with any problem; and he is there to keep up to date on any plan of the school board under discussion. I've never heard of any difficulty involving the Planning Board.

MR BROWN: There's just one point that might answer this question which has arisen with regard to any hidden problem between boards and the school boards and councils. In the year 1961, the Metro School Board approved in excess of \$50 million of capital for building purposes; and during that year, I dont know of one case in the metro area where a local council disputed the figures for five minutes. And they had complete control of saying no to this, if they so wished, and the board could do nothing about it other than

take it to the OMB. Likewise the Metro Council approved the whole thing and at no time...I say at no time, I think maybe they questioned one or two of the schools, but within a matter of minutes, they approved the whole thing. So I don't think there's the great disparity between planning boards and councils, especially in the metro area.

MR SINGER: Except that legislation is slanted in favour of the boards; and if the board wants to dig its heels in, it's pretty well in control.

MR BROWN: The only thing the boards have complete control of is local expenses, not capital expenses; the capital...

MR SINGER: Yes, but a council that wants to take on a board on capital expenses in the metro area is suffering under pretty severe handicap.

MR SIGSWORTH: Mr Chairman, the difficulty that arises is the seemingly obvious matters that are brought to the attention of the public by the council. Some seven years ago, for example, we instituted colour scheming in our Toronto school system. Prior to this time, the schools were painted the drab browns and grays and greens that we were all too familiar with when we went to school; and we envisaged that it would be more attractive to the students if we proceeded with this colour system. Our schools are built mainly of cement block construction and they are painted bright and attractive colours. Now it is rather unique at school opening, to follow the public through the schools and to hear the comments about the expensive frills in these schools when in reality they are simply affected really by the brightness of the buildings. As another example of saving, I would say, that can occur by the alertness of the school board, we have to pay \$300,000 and up to \$400,000 an acre which is a terribly expensive figure, but we haven't much choice. We have to find suitable locations to establish our school buildings. You are probably aware of the Castle Frank set-up that is on the board. Now this site was on the market and an offer was submitted for this site an offer of \$1½ million for high rise apartment building. The zoning people said no, that such an apartment building wouldn't be suit-

able on the location and so the offer was turned down. There were many people most anxious to obtain this site for other things-it's 11 $\frac{1}{2}$ acres and simply by chance, we heard about it and we obtained that site, Sir, for \$600,000. Now that could have been and would gladly have been bought for \$1 $\frac{1}{2}$ million; now these are the things you do not hear about as far as school boards are concerned. I think this was a great saving to the public, and I can cite you many examples of similar instances where school boards do effect a saving and are very much aware of the tax payers dollar.

MR MORROW: We should tell Mr Brown that we'd had council after council before the Committee this year asking that more power should be given to control the expenditures of school boards. I wouldn't like to say how many but it has been repeated quite frequently.

MR BROWN: In the Metro municipalitiew?

MR BECKETT: No, out of town...in Ontario. As a matter of fact, one suggestion was that after a certain price for the construction of a school-if you went beyond that, then automatically it would have to be voted upon.

MR MORROW: Well it can go more than \$20,000 for example that the Department approves for classrooms and \$25,000 for secondary.

MR THOMAS: Do you think, Mr Brown, that some school boards, when thinking for a site for a school, are inclined to buy too much acreage?

MR BROWN: No, I don't think so; I would say the reverse. Now I only talk of the Metro area; I must admit that I'm one proponent that you can't buy too much acreage because of the dollar value in the Metro area for site purposes; and I'll give you one classic example, if you wish. In Thornecliffe, we bought 10 acres of land because we thought that we were going to have to build two schools. When we found out that we weren't going to build two schools on it, even ten or fifteen years from now-we just couldn't see the possibility, we turned it back...2.35 acres and reduced our site to 7.65 acres. And I must admit that I was instrumental in forcing the

issue to get the 10 acres because the board wanted to have less site than that, and there again it was a case of trying to keep the costs down to a bare minimum; but we didnt know what the unexpected future might hold and I dont think that...let's put it this way- I think that if school boards of years gone by could have seen Toronto as it is today, they would have bought a lot of land at a couple of hundred dollars an acre that we're having to spend a great deal of money to buy today.

MR SIGSWORTH: Mr Chairman, may I offer a solution of differences of councils and school boards and I'm simply talking... this is off the record....but it is pertinent to some of the accusations. During the construction of our new Education Centre on College Street, Page & Steele were the architects, the sq. ft. cost of the building was \$23 per sq. ft. The new City Hall is estimated to cost \$32 per sq. ft., and I venture to say it will be much higher. It might be an interesting comparison to obtain the costs of the new buildings that will be built on the Bay and Wellesley site there; and I think that you'll find that expenditures for our new buildings would be very much in line. What I mean is we had very good plans there, and we had dressed up some of the areas, but other areas offset the costs.

MR MORROW: May I enquire what your building.... what you're putting in your schools, gymnasium combined with auditorium; are you using gymnasias, auditoria as a combined operation or are you building each separately...cafeterias etc...I wonder just what you are doing?

MR SIGSWORTH: Depending on the school population really -the demand for the areas that this combination will serve, will dictate whether it is an independent gymnasium, or whether it is a combination cafeteria. For several of the new Eastdale schools, this is a combination, as we call it cafetorium.

MR MORROW: It should serve the purpose. I think perhaps there is a tendency to spread out too much. This is pretty expensive space per sq. foot, when you get separate auditoria and

separate gymnasias and separate cafeteria and everything and your school population perhaps doesn't demand the space.

MR SIGSWORTH: Correct. There is one that has a very unique and exceptional feature to it; because of the lack of school site area, we have constructed on the roof, a playground to serve as a yard, it is perhaps the first in North America.

MR MORROW: This is not considered a frill?

MR SIGSWORTH: No it isn't, because at \$400,000 an acre for a site, it is very much a saving.

MR BECKETT: Mr McCordic, we haven't heard from you, and I understand that you were responsible for that very fine report known as the McCordic Report on school costs-it is still being discussed no doubt.

MR MCCORDIC: Mr Chairman, I found it is a rather doubtful honour to have a report named after you, particularly one that engenders a certain amount of opposition...

MR BECKETT: Oh no, oh no, there's an old old saying that nobody ever kicks a dead dog. (laughter)

MR MCCORDIC: There is an observation that I'd like to make, Mr Chairman, arising out of this meeting- this group came up for the purpose of presenting a specific problem, and quite unfamiliar with the comprehensive nature of this Committee's studies, and the questions that have been elicited in the exchange and the suggestions we have heard- all this suggests to me that maybe the official views of the Metropolitan School Board- a pretty unique organization- since it represents a composite of the school boards of the Metro area, might be on some questions, some urgent questions before you, a matter that you'd like to seek out. It seems to me that the school board and the Vice-Chairman would be most happy to consider any discussions and return after some deliberation for further discussion of them, particularly a question as vital as the relationship of councils to school boards.

MR THOMAS: Mr Chairman, it was suggested by one Brief that the Provincial Government assume the cost of teacher's

salaries; what do you think about that one?

MR BROWN: Mr Chairman, I will not speak on that at this time because I dont think it would be fair...let's put it this way, Metro School Board has this under discussion at the present time, and I dont think any individual's opinion should be voiced. That's my personal opinion, but if somebody on the delegation wishes to speak to it, I dont think I will.

MR SINGER: Well along the line of Mr McCordic's remarks, I certainly would like to see an extended Brief from the Metro School Board-not necessarily answering questions, but generally insofar as educational set-ups in the province is composed.

MR THOMAS: Well, Mr Chairman, there's another one-I dont know whether Mr Brown would answer this one or not-maybe a personal view perhaps, that the Province take over the business assessment ...industrial assessment on a percapita basis....

MR BROWN: I'll answer that as an individual, I have advocated this for some time.

MR SINGER: Well leading from that one, Mr Brown, do you think that it's reasonable and fair that Leaside has a tax rate 20 mills lower than the rest of the Metropolitan municipalities?

MR COWLING: That's just efficiency, isnt it?

MR BROWN: You can call it efficiency; you can call it what you will but I will say this:- why should the people of Leaside have business assessment that is being operated by people in Scarboro, North York or whatever. Those businesses couldnt be run by residents in Leaside alone, and therefore in order to show them that the other areas have to be educated, and I think that the business assessments from those businesses should go towards the educational costs in the

MR SINGER: Good for you. Do you think it distributed over the whole of Ontario?

MR THOMAS: I dont mean that it applied only to Toronto, but over the whole province.

MR BROWN: I knew what you were getting at, and

having come from a rural community, being so-called barefoot boy at one time, I concur with your thinking in that regard as well, because the poorer municipalities, and I mean the odd locality with few or no industry, could very easily, and this is where the trouble is coming in school boards- your complaints from councils- your complaints from teacher's federations and what not, they're coming from areas such as this, where you have school boards who are there for no other reason than to try to...well they're a pressure group, and if we could get away from district school boards, I think it would be a great thing. Again I'm speaking from experience, having been a school teacher in some of these rural areas.

MR COWLING: I think it would be a good idea, Mr Chairman to tell the delegation that everything they've been saying this morning is on the record. There's nothing off (laughter)

MR BECKETT: You see, Mr Brown, when you come before this Committee, we don't just like to stick to the question you've brought up. We like to get your views on all matters.

MR BROWN: Mr McCordic made this suggestion-I will pass it on as Vice-Chairman of the Metro School Board; but at any time, and I'm sure the Chairman of the Toronto Board feels the same way, at any time that the Metro School Board or the Chairman of the Toronto Board, because it is the largest Board in the Metro area, could be of help to this Committee, you can rest assured that all you have to do is let us know and we will be glad to give you our views for what they're worth.

MR MORROW: We would criticize them, doubtless....

MR BECKETT: But it's all constructive. Well Mrs Ross and Gentlemen, we appreciate you taking the time to come before the Committee; we'll be glad to do that and if you also get some further ideas, send them in. Thank you very much.



LEGISLATIVE ASSEMBLY OF ONTARIO
 THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

TUESDAY,
 AUGUST 28th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
 Alfred H. Cowling
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer
 Thomas D. Thomas

APPEARANCE:

Reeve E. Moore

Councillor H. Holding

PRESENTATION:

BRIEF - TOWNSHIP OF DERBY

TOWNSHIP OF DERBY

HOLLIS E BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, we have a delegation here from the Township of Derby; before you start, where is your township located?

MR MOORE: Derby Township is in Grey County, adjacent to the City of Owen Sound and we lie next to Bruce County. We think it's a pretty good part of the country-that's where the International Ploughing Matches are being held, and I have tickets for sale. (laughter)

MR MORROW: They give us complimentary ones- so you're going to have a poor sale here. (laughter)

MR BECKETT: Tell us about the population and the assessment.

MR MOORE: The population is between 1800-1900, and the assessment is \$1,700,000.

MR THOMAS: Do many of the residents of your township work in Owen Sound?

MR MOORE: Yes, yes there are; and I suppose there are some residents of Owen Sound that work in Derby.

MR THOMAS: Do you have some industries in Derby?

MR MOORE: Light industry...very light.

MR BECKETT: Are you along Georgian Bay then? (no) you havent any problems then, much.

MR MOORE: We think so.

MR MORROW: Is anybody trying to annex you? Owen Sound trying to annex you or any part?

MR MOORE: Oh, there was some talk about a year or two ago.

MR THOMAS: Have there been annexations around there recently?

MR MOORE: No. The city had a annexation report prepared for them which takes in possibly twenty five areas.

MR MORROW: And this is your fear that you dont have an opportunity to express your side of it.

MR MOORE: Yes, that is right.

MR BECKETT: Well it used to be, you know, that the electors of the part being annexed had the right to vote on it.

MR MOORE: That's one thing we have here; in our Brief, which you have probably read....we also have this.

MR BECKETT: Would you like to go ahead and read it.

MR MOORE: (reads) "This is submitted by the Corporation of the Township of Derby, and there's the two points that are made, first, that there be some right of appeal from the Municipal Board's decisions on annexation proceedings. It is the feeling of this Council that any decision affecting the lives of ratepayers to such an extent as the choosing of the local government under which they are to live should be subject to the right of appeal.

MR BECKETT: Well there is such a thing now-the right of appeal to the Cabinet; do you suggest some other right of appeal?

MR MOORE: No, no I'm sorry; we stand corrected on that. The second point was that a vote of the ratepayers affected be taken in the area affected. Now we don't refer there to the remainder, if it is a township- the remainder of a township- before any decision can be made on any annexation proceedings. The vote would not be the sole factor to be considered in the decision, but it would be one of the major points on which the decision would be made." I feel that this should be given very careful consideration-what the people in that immediate area want. Of course, we realize it couldn't be decided solely on that issue, but it would appear that decisions are made, perhaps without having that information.

MR BECKETT: Then if the people voted against it, then there should be no order made, you would say.

MR MOORE: I would think that this vote, when it is obtained, would be one of the main factors which would be considered.

MR BECKETT: But would it be the main factor before the Ontario Municipal Board? Supposing the statute said that people must vote on it, and if they voted against it, would you go so far as

to say that would stop annexation?

MR MOORE: No, no I dont think that is the idea; if all the other things point to it, then if it is the only solution...

MR BECKETT: Solution to what?

MR MOORE: Well whatever the problem that created...we presume that a problem has come about or there wouldnt be proceedings started towards annexation.

MR BECKETT: That's the part that I cant understand about these problems. It seems to me that the problems are perhaps created for the benefit of the municipality annexing.

MR MORROW: They're the ones that are bursting at the seams and they need to get more land.

MR BECKETT: Certainly they're not going to annex something that's going to be a liability to them.

MR THOMAS: In this area that's likely to be annexed or proposed annexation, is there a large density of population there; have you any difficulty in supplying services to them, sewers and water mains for example?

MR MOORE: In our own particular case....well the businesses that are immediately adjacent to the city limits did require water which incidentally comes from the township in the first place.

MR THOMAS: They did supply water?

MR MOORE: Yes they did supply a few; and there is no sewerage.

MR MORROW: Do you have any industrial assessment?

MR MOORE: Well that would be a small amount of very light industry.

MR HOLDING: That would be those in the building supply business.

MR THOMAS: You say some are supplied with water from Owen Sound? Are any supplied the service of sewerage by the City of Owen Sound too? (no) Well wouldnt that be a drainage problem if you're pumping so many thousands of gallons of water into an area every day and no provision to take it away?

MR HOLDING: No, there's no problem.

MR MOORE: The water comes from this municipality into the city and from other areas too. There is no sewage system, but there is natural drainage- natural water drainage.

MR THOMAS: Well in your opinion, what would be the feeling of the people in area that is being annexed, are they in favour of annexation?

MR HOLDING: My opinion would be you can never say with certainty, but certainly the opinions they have expressed to me a year ago, when my phone kept ringing, it didn't take long to tell me how they felt about it; they were, in very many cases, against annexation for the simple reason...I think there was perhaps more human values, for instance they felt that certainly the boys in a small village get minor hockey training and this is one of the perhaps little things that make them happier. I don't believe that taxation is the main factor, but their small neighbourhood, and their decision to live there in the first place.

MR BECKETT: How much are the taxes on an ordinary six roomed house in your township, in this particular area, compared with the same house in Owen Sound?

MR MOORE: They would be less; I'm not prepared to give you an exact figure; I'm certain it wouldn't be half or anything like that, but it would be a percentage less.

MR THOMAS: Of course that's to be expected because of the municipal services in the city.

MR MOORE: Yes the municipal services...garbage collection, certain services...but I don't think if perhaps there was a total cost of living expenses, there'd be any great difference.

MR BECKETT: This one area, would it be all one school section?

MR HOLDING: There's three school areas.

MR BECKETT: How do the school taxes compare with Owen Sound?

MR MOORE: Well the high school, of course, exactly

the same because of the school area. I'm not sure if I'm prepared to say about school taxes.

MR HOLDING: Well our town school taxes are between 15 to 16 mills.

MR MOORE: Well you have a little more bus costs in a township than in a city, that is one thing.

MR BECKETT: Would your school taxes be about half your total taxes?

MR MOORE: A shade more than half.

MR BECKETT: Well I certainly agree that the people being annexed should have a voice in whether they want to be annexed or not-that's democracy.

MR COWLING: Well Mr Chairman, if we had waited for that, we wouldn't have Metropolitan Toronto and what could be better than we have?

MR BLCKETT: There are things better than annexation.

MR COWLING: Well by any other name it's just as sweet.

MR BECKETT: The people themselves in the townships don't think that.

MR BELISLE: The people of the suburbs of St Catharines, the people of Nealon, which was annexed by the City of Sudbury, if they would have had an opportunity to vote, they would have opposed it. And if they had an opportunity to vote now, they'd vote to get out of it.

MR BECKETT: The principle is all wrong.

MR MOORE: I would like to point out that our municipality is supporting, they're very much in favour of area planning. We belong to the area planning ...

MR BECKETT: Regional Planning Board?

MR MOORE: Yes, yes that's right; we're novices at it, of course, but we're all for it and we cooperate in every way we possibly can. We know that is a very good thing.

MR THOMAS: How many municipalities would belong to the Regional Planning Board? (four) Is Owen Sound one?

MR MOORE: Owen Sound is one and the three townships adjacent.

MR SINGER: Do you think that's going to work unless you have regional government? Four governments and one planning board- are you going to be able to get the sort of cooperation you should get?

MR MOORE: I think I'd better drop the ball here- Mr Holding is our council representative on the Area Planning Board; perhaps he could answer that one better than I can.

MR HOLDING: Well I've been on for about a year and a half and I feel it certainly is because we all realize that sometime the city has got to grow, and the members of the Board understand very well some of the problems we have and they can help we rural members with planning the areas. We are very green on planning and I think we're getting a lot of valuable information, not only from a sitting member, but at the same time our members sitting on it, and all the information we get from the Department.

MR BECKETT: You don't have a local planning board?

MR HOLDING: No, just the Owen Sound District Planning Board.

MR BECKETT: How are the members appointed?

MR HOLDING: Council appoints one of their council members, and a ratepayer.

MR BECKETT: How many does Owen Sound appoint?

MR HOLDING: They appoint two members, two each.

MR SINGER: When you say, Mr Holding, that the city has got to grow, where is it going to grow? Into Derby Township?

MR HOLDING: It's going to grow into Derby Township yes, I think it will; but what we're concerned about is that people should have some say and when the time comes that Owen Sound needs more room- we don't think they need it yet; I know the story very clearly- there's still acres of pasture land; they think it's not suitable. We can't prevent progress, there's no doubt about that.

MR BECKETT: What do you think of a county planning

board?

MR HOLDING: My own personal opinion is that the time has come that more and more should be done at the county level.

MR BECKETT: Including assessment.

MR HOLDING: Well...

MR MOORE: I would say assessment, welfare-certain parts of welfare can be done better at the county level, and maybe some day the county boundaries should be slightly different to what they are; but I can see where there are many places where you would have efficient operation on a county...shall we say, size of area.

MR MORROW: A larger area?

MR MOORE: Yes. And on many things, this is the case. Now for instance we're getting into a larger area in the conservation authority-they don't call exact county boundaries, and so they get into perhaps the same idea. As it is with so many small municipalities, maybe one pulling in one direction and the other in another, seems inefficient.

MR THOMAS: Is your assessor a part time man?

MR MOORE: He is, yes and no; our area has turned out a very good assessor and he's a full time assessor-he has three municipalities.

MR SINGER: What would he get in total wages from the three municipalities?

MR MOORE: I can't answer that; at the present time, they're setting up a new system and he gets so much a card, you see, and I think possibly at the present time, he may have a salary of about \$6000. Now it won't be quite that high on the new system perhaps.

MR BECKETT: Did the county council deal with the question of a county assessor under Section 93 of the Assessment Act?

MR MOORE: They did. They turned it down.

MR SINGER: What was the percentage on the vote?

MR MOORE: Well as I recall-it wasn't a recorded vote, but it might have been something like two-thirds for...now I'm not sure- that's from memory. I know it wasn't unanimous.

MR SINGER: I was just curious about the reaction.

MR MOORE: There was more that 50% opposed to making the change; and I wasn't one of the ones that voted against it.

MR BECKETT: Well would your idea of planning, would it work under the Conservation Authority and the Planning Board...the jurisdiction over the same area?

MR MOORE: I don't know; of course the conservation area has to do with water sheds...

MR BECKETT: Well isn't that the important thing in planning?

MR MOORE: It could be; I never just thought of it that way.

MR SINGER: It's where your water comes from; it's where your sewage will flow.

MR HOLDING: Yes, and that's the importance of the Conservation Authority; it has to have a part in planning.

MR BECKETT: Could it be one board?

MR HOLDING: Maybe they should be represented on the board; I think that's a point.

MR MOORE: A Conservation area is still a Planning area-it's still planning.

MR BECKETT: It's the basis of all planning-the way the water flows.

MR COWLING: We've had people say that maybe there isn't a place any longer for the county council, maybe because there is no direct representation to the county council; what are your views on that?

MR MOORE: I don't know that that matters too much, but if there isn't....let's put it this way, if county councils or counties, a particular unit of government is not as effective as it might be, I feel it is because the county councils at sometimes or other don't take their full responsibilities in certain areas. Certainly I think there's plenty of jobs should be done at that level.

MR COWLING: You wouldn't do away with them?

MR MOORE: No, I wouldn't, because as I said before I think that is the efficient size, one of the most efficient sizes

of government; certainly a small village isnt an efficient size of government. I dont mean we could do away with it-he'd be a brave man who suggested that, but...

MR SINGER: If you found such a brave man, I think it would be a good idea. (chit chat and laughter)

MR MOORE: But I think it's reasonable that a very small unit of government wouldnt be as efficient; and sometimes those of us who are at the lower level of government think that maybe the senior governments may get to the size that there's some lack of efficiency, but my thought is that maybe the county is a unit of the size that can operate efficiently.

MR BECKETT: Do you have any police villages in the township? (no) What would you think of a council running everything, including education and do away with the board of education?

MR HOLDING: Well we'd have to get a lot more salary than we do. (laughter)

MR MOORE: I know what your thought is that the council does become some sort of a collection agency for the boards, and particularly for the Board of Education. They have the authority and we collect the taxes.

MR THOMAS: What would be your mill rate for county purposes? (18½ mills)

MR SINGER: You said you had 3 school areas- one board runs the three schools or is it three separate boards? (one)

MR MORROW: Is it elected? (yes) Good set up.

MR SINGER: Did you have three separate school sections before and then they amalgamated or did you always have the one?

MR MOORE: We had ten.

MR SINGER: How did you get them together?

MR MOORE: That was before my day.

MR HOLDING: In this annexation report, it involved three different levels but as it entered into...going into school districts.

MR BECKETT: How large is your township in mileage

or acreage?

MR MOORE: Approximately 10 miles by 6½ miles- 65 sq. miles.

MRS ROWAN: According to the 1962 municipal directory, the total acreage is 41,000; acreage for taxation, 40,356.

MR HOLDING: If you people arent interested, you can give advice on zoning by-laws, because we're in the middle of that now and....

MR BECKETT: What do you want to know?

MR HOLDING: We like to know about somebody to draft bylaws...

MR MORROW: We've got a couple of high priced lawyers here -now's the time to get free advice. (laughter)

MR BECKETT: What is it you want?

MR HOLDING: To draft by-laws to designate areas.

MR BECKETT: A kind of a holding by-law, you mean that would hold the land use...

MR HOLDING: That's right.

MR SINGER: Does the Dept not....have you talked with the Dept?

MR HOLDING: Oh yes, corresponded with the City Clerk and John Pearson of the Planning Department.

MR MOORE: Derby Township is now zoning the first section; we've settled on the boundaries though, and it will be the first section in the three townships.

MR SINGER: Have you an official plan? (no)

MR BECKETT: You havent started on an official plan?

MR HOLDING: We havent started on an official plan; we are just starting on this easiest section here- the easiest spot, probably the best area, including Owen Sound.

MR SINGER: People living in that would probably be working in Owen Sound? (right)

MR BECKETT: How large an area?

MR MOORE: It's the half of 4 lots- 200 acre lots originally on 2 concessions. Its half of 800 acres.

MR BECKETT: What does your joint planning board say about this?

MR HOLDING: They're pushing it.

MR SINGER: Do they not have the staff to draft your by-law for you? (no)

MR BECKETT: You'd better talk to Mr Taylor-he's drawn hundreds of them.

MR HOLDING: We'd sure appreciate some advice on getting this off on the right foot. (chit chat and laughter)

MR HOLDING: The Planning Board has a budget of \$500; the secretary gets a lot of that for correspondence etc.

MR BECKETT: All right then; are there any other matters you'd like to discuss with the Committee?

MR MOORE: There is a small matter for discussion here; in the first place before I say anything about this, I must admit that Derby Township was quite in the wrong; we are not attempting to say that we are right in this. We have a number of municipal drains and we passed a municipal drains bylaw to get it approved by the board; and after we had done that, we then...the time had come when we knew how much the debenture-usually a very small one in amount-and this year we ran into a bit of a problem which was our own folly; we thought that all the grants should have been approved in the beginning. But the first letter that was received points out here that they wonder why we ask for approval on \$2,000 in debentures, when the by-law offers \$20,000.

MR SINGER: Who's this from, the Municipal Board?

MR MOORE: Yes. Now I just wondered if there's any such thing as a lack of understanding of the set-up there because when you pass a drainage bylaw, you have no way of knowing who's going to say: We're going to pay cash and who's going to say: We want it put on our taxes; and it indicates there that the by-law is only the engineer's estimates-it's not the actual cost.

MR BECKETT: And that's in his report?

MR MOORE: Yes. So I think those figures actually

indicate what percentages you have...\$2,000 to be issued there where there was \$20,000.

MR BECKETT: Did you ask for the \$20,000?

MR MOORE: No, we didnt; but I see now we should have.

MR BELISLE: Did you apply for a subsidy through the Dept of Agriculture and the Public Works?

MR MOORE: Oh yes..that's...

MR SINGER: But you only needed \$2,000?

MR MOORE: As far as our debentures is concerned Now in the following letter, it was indicated that \$2,000 was too small an amount for debenture. Well our road maintenance would cost somewhere around \$20,000, but the banks take care of that because that's our own business-but this is...

MR SINGER: A local improvement.

MR MOORE: Yes, yes it is. We would almost be able to finance it but the banks regard it as a

MR SINGER: Besides which, if you pay it all out of current-your current revenue, you're not going to be able to charge it back again.

MR MOORE: Onething, we're going to have to reverse this somewhere...

MR BELISLE: You have no authority to pay it out of current revenue.

MR BECKETT: Oh yes, they could levy it one year.

MR BELISLE: I dont think so. Mr Chairman, if they advertised that it was a debenture, I dont think they have the authority to pay it out of current.

MR BECKETT: Was the work done under the Drainage Act or the Ditches and Water Courses; which one?

MR MOORE: The Municipal Drainage Act.

MR BELISLE: We have the same trouble and you'll have to start all over again...if you first pass your bylaw for debenture, and after you have informed all the persons who are or will be affected you have to start all over again.

MR MOORE: This was done.

MR BECKETT: Do you have a copy of your by-law?

MR MOORE: No. This was just a little side issue, a point that we want to mention-in one place here it says: If the municipality now has a deficit...it's been a deficit, just this \$2,000 and we're going to have to get it back.

MR BECKETT: Did you say you have a deficit?

MR MOORE: The municipality now has a deficit as a result for last year, the Board will consider the issue of debentures to cover such deficits; and should the municipality desire to proceed etc...you can operate on a deficit, I guess. It did seem to me some lack of understanding there of what actually was taking place.

MR SINGER: The big problem in these things, Mr Chairman, is getting proper advice to these small municipalities who haven't trained staff available to give it to them and the advice should come from the Dept.

MR HOLDING: That's what happened.

MR SINGER: And the Dept should have someone you could write to or go and visit who would say, you do it this way and this way.

MR BECKETT: There's nothing to stop them from going direct to the Board, to see the Chairman of the Ontario Municipal Board.

MR COWLING: There's nothing to stop them from going to the Minister of Municipal Affairs; have you tried that? (no) Well start at the top and work down. (chit chat re Minister or various people in his department)

MR BECKETT: Now does that cover all your points?

MR MOORE: Yes, I believe so, except to say we are extremely appreciative of the opportunity to appear here with this short Brief, and we hope you will give it consideration.

MR BECKETT: We will take it into consideration; thank you very much for coming.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 29th, 1962

MORNING SESSION

HOLLIS E. BECKETT, O.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Rheal Belisle
Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron. K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

H. P. Hyatt
S. Eric Johnson
B. J. Bernard

PRESENTATION:

BRIEF- NATIONAL HOUSE BUILDERS ASSOCIATION

NATIONAL HOUSE BUILDERS ASSOCIATIONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, Mr Hyatt will introduce his delegation.

MR HYATT: Gentlemen, I am H. P Hyatt, Chairman of the Ontario Council of the National House Builders Association; to my right here is Mr Johnson of Hamilton, who is Vice-President of Ontario Council and Mr Bernie Bernard who is Executive Secretary of of the National House Builders Association. I'd like Mr Johnson to read this Brief, if that is all right.

MR JOHNSON: Mr Chairman and Gentlemen, I would like to go through it with you, possibly to try to make it sound a little more interesting, and possibly in less formal language to point up some of the ideas that we are trying to put over to you. This submission concerns certain specific things in the Assessment Act, particularly one Section of the Act, Section 131 of the Revised Act; and in connection with that, specifically the facilities which the Act granted for the remission or reduction of taxes under certain conditions, for a vacant premises. On the other side, the other specific is, we are only representing here the case of such reductions and remissions in respect of new, completed, unsold, unoccupied houses, vacant and new and build for sale. This is the majority of houses that we come across in our developments throughout Ontario.

MR BECKETT: You association is provincial wide, is it.

MR JOHNSON: Yes it is; and we have set out in the attachment to our Brief, the number of organizations concerned, which we are pleased to tell you has already been extended to some 28 associations across Ontario comprising something over 1600 house builders as distinct from general contractors. And particularly, we are concerned with the merchant builder-the builder who builds to sell. The purpose of the Brief is to draw attention to the current interpretations of the Assessment Act (continues with Brief, page 1) "in respect of municipal.....is reasonably completed." I draw

attention here, this in itself is rather a nebulous state; it is not a clearly defined position where anyone, either the municipality or the builder knows when taxes are going to start. It is when the assessor becomes aware....

MR SINGER: How else could you do that?

MR JOHNSON: This could be done in a number of ways, Sir; by the builder having to report the stage of his completion.

MR SINGER: The builder isn't going to be overly anxious to start his taxes.

MR JOHNSON: He's not overly anxious now, Sir, but..

MR SINGER: No, but he usually gets a delay of 60, 80, 90 days-I've seen them as long as five or six months before the assessor finally manages to get around...

MR JOHNSON: On the other hand, we've been confronted with the assessor coming along there on the street-in this case in Preston and in Hamilton last October, November, and the builders were busy putting in glass and putting doors on the shells of houses to get on with their winter completion; and to find that they were assessed within a month of that date.

MR THOMAS: They may not have been assessed at full value- it would be on a graduated scale, wouldn't it?

MR JOHNSON: Sir, I couldn't answer that correctly...

MR HYATT: I can; they're always assessed at their full value, but only for a partial term-it may be for only nine months of the year or six months or something like that, but always at the full rate of assessment.

MR BECKETT: I don't think there's any provision in the Act for partial assessment; partial in time but not partial value.

MR JOHNSON: All the evidence I have had is that taxes, and by this it is full taxes on the partially completed....

MR SINGER: No, but you're complaining that in this particular case in Hamilton, they were assessed within a month of completion...

MR JOHNSON: No, Sir, a month from the doors and windows going on with the inside just studding-there was no internal

work-in fact the internal work in that case....

MR SINGER: The thing to do in that case, I imagine, is to appeal.

MR JOHNSON: Well you see why, Sir, later on in the Brief, we don't do any good with our appeals-this is one of the points we are making here. (continues, Section 131, subsection 13, (g) para 3) "Such houses then..... over 12 months."

MR THOMAS: Might that not be the price might be too high or the construction might not be the standard that the buyer desires?

MR JOHNSON: It could be for any number of reasons-this is for sure, but perhaps as we go along, you will see that if it is so, then it affects an enormous number of properties, and there are economic factors which...

MR COWLING: Don't you think it would be a good idea to let Mr Johnson cover some of these points and discuss points later on-it's not the same kind of a Brief that we have had on other occasions where we can get something from interruptions.

MR JOHNSON: (continues, last para) "Although the Assessment Act.....into this category." To show that this is not a small thing, the Brief goes on to set out the extent of which current legislation affects the housing industry, and to do this, we had to go back as far as we could to get some firm figures at the time of the writing of the Brief, May 31st was the time; and it is my finding so far in recent checking, the figures given here would only be made more impressive from the point of view of our submission, if they could be updated to July. And we set out figures for unsold houses, new houses, in areas of 25,000 or over in the first place. These are the only ones for which there are definite figures; and to these must be added the unsold completed houses,(continues, para (b) "in many other substantially.....on vacant houses" May I pause on the sum of \$350; possibly if you're thinking of the more rural areas, it may seem very high, but I must point out to you that included in this are many many large homes; in the area where I live in Clarkson, I could show you off hand and within small ranges, 6 or 7 houses in the \$700 tax class; so \$350 is a reasonable average. (continues,

page 2, last para) "This non-productive.....municipalities."

MR SINGER: You say "non-productive expenditure which cannot be justified." You're getting municipal services; you getting fire protection and police protection.

MR JOHNSON: May I go on, Sir, and I'll answer that question when we come to it. Continues, (page 3 para 1) "The merchant builder's stock.....a building is erected." (page 4, para 2) May I digress for a moment, and explain that a builder purchases a piece of land which may well reasonably carry an assessment of \$3000. It is to be developed-probably out of it there are 75 acres which will become building land, allowing 25 acres for roads and scrub and swamp, hills and so on. Immediately a plan of subdivision is registered upon that, the taxes...the assessment rises from \$3,000 to not less than \$37,500.

MR BECKETT: How many lots did you say?

MR JOHNSON: Well allow about 4 or maybe 5 per acre.

MR SINGER: By the same token, the value of the land is increasing by the registration of the plan, and people start in it and making money.

MR JOHNSON: We are not querying this assessment, Sir; we are just pointing out that the municipalities receive an increased assessment without lifting a finger, without doing anything. By the mere act of the Minister putting his stamp upon the plan....

MR SINGER: There's far more than that to it than without lifting a finger, without doing anything. They have to plan schools; they have to plan sewer outlets; they have to plan roads, feeder roads and so on. This thing builds up into a great pyramid.

MR JOHNSON: Correct, Sir and we show some of this as we go along, and how it's getting paid for. When...this goes a step further...immediately roads are installed, and it is reasonable then to find that the assessment has risen from \$3,000 to a point where roads and sewers are in, to \$187,500, and no people have moved in, and no building has been done. So the municipality for a considerable period are receiving an increase in assessment-this is the point we make. And apart from that, there are many municipal services which

are supplied and will be supplied, which are covered by other imposts separately, and we will come to those now. For instance, (continues, page 4, (b) "It is common practice.... of this part of the Act."

MR SINGER: Is that right for apartments?

MR HYATT: Yes, but we're not saying that you should.

MR SINGER: Those representations have been received by us from a substantial number of sources.

MR JOHNSON: The Act clearly gives certain...

MR SINGER: A lot of people feel that exemption shouldnt be there for anybody.

MR HYATT: : Yes but just dealing with apartments...

MR SINGER: Yes but just take it away from apartments, and then you have removed your argument about discrimination.

MR HYATT: You would remove just one.

MR JOHNSON: (continues, page 5, para 1) "It is our submission.....for this purpose." (end of Brief)

MR BECKETT: I'd like to ask Mr Taylor who has drawn a good many subdivision agreements, if in any of the agreements, the matter of taxation has been a consideration.

MR TAYLOR: Not in any I have drawn. And you might explain that question if you dont mind.

MR BECKETT: Well, instead of the builders having to go to the Court of Revision to get relief, has it ever been thought of some clause being put in it to give the subdividers some relief.

MR TAYLOR: You mean to relieve them from taxes on the buildings...not to my knowledge.

MR BECKETT: It's always left then to the builder to seek to find different relief through the Court of Revision?

MR TAYLOR: Correct.

MR BECKETT: Well then in a lot of subdivisions agreements, there are capital expenditures, such as a sewage disposal plant, and the water, trunk mains, they are all part of the cost a municipality has to pay in connection with a subdivision?

MR TAYLOR: That's right, a cash contribution and for the construction of some roads, and a contribution for schools

and so on.

MR MORROW: The OMB has just ruled on that in the matter of subdivision; they have allowed \$500 per lot for the school.

MR BECKETT: Is that their ruling? (yes) When is it payable?

MR MORROW: Wouldnt it be when they take out a building permit for each lot?

MR JOHNSON: Invariably it is.

MR HYATT: In Scarborough, they generally give the subdivider a year in which to pay all these imposts.

MR JOHNSON: May I say that the Act set up some years ago, and practiced since then in the municipalities, has changed considerably from their historic basis of assessment; and they look now to making development stand very much on its own two feet by the provision of capital grants and things like that-special sewage orders-all those kinds of thing, which we believe the Act could not foresee at that time and does not take into consideration now.

MR BECKETT: You see as the statute reads today, the Court of Revision may...do you believe it should say"shall"?

MR JOHNSON: Not exactly, Sir. I'm not a lawyer, Sir.. but our contention is that the Act does give the facility, but the interpretation of the Act has been now so shaped, that it says we must conceal the endeavour to have the building occupied; and occupied in this case, is...means being rented, if not sold, then you must rent it. Now it mentions renting specifically in another portion of the Act, yet here, it very carefully, we believe, says "occupied". Now a builder, in our own interpretation of the Act, knows very well he has little chance of going to a Court of Revision and succeed, if all he has done is build a house and put a for sale notice in the window, and leave it at that. It requires something more than that. But people go there and show that they have employed a real estate man to sell it, that he has advertised it regularly in the paper; that he has attended himself, or a representative at week-ends and had the house available for showing, that he has continuously had the house...tried to have the house occupied.

MR TAYLOR: Mr Chairman, I think we may have to differentiate between a land developer as such and a builder, who quite often is a different person than the developer. If I'm not mistaken, we're really talking about here...that is, leaving aside for the moment, these imposts and the various matters that are done by the developer in the subdivision agreement, and let us get to the sale of the lots to the builder, and the builder has the lots under agreement to purchase and constructs his houses and his financing is made and then the houses remain unoccupied; is that not the situation we're dealing with here?

MR JOHNSON: Except in many cases, they are the same person.

MR TAYLOR: In many cases, yes...

MR JOHNSON: But our point in issue doesn't differentiate whether it's a builder or a developer or a builder-developer. We are concerned with that portion of the developer's business which is building, whether a builder of houses, a merchant builder-it applies equally throughout.

MR COWLING: This term "merchant builder", is that a recent name given to builders?

MR JOHNSON: It is, Sir; it is to differentiate between the man who custom builds a few houses a year, and the man who just doesn't custom build. He is in business to build houses to sell to the public, and so we are in this category, most of us; and we do a little custom building on the side, but we also build to sell.

MR COWLING: Your suggestion is that in the Act, the part where it says, "the assessor becomes aware" should be a little more specific.....

MR JOHNSON: It should be definite...

MR COWLING: It seems to me that's a fair statement; it is pretty vague for the assessor to become aware of the completion of the house, isn't it?

MR COWLING: I believe so, Sir, because of the number and the wide variation of interpretations that are used; taxes will not be levied if the toilet basins have not been affixed, and

and the wash basins; and possibly if the top floors have not been laid or the tile floors not laid. There is another municipality where I can give you concrete examples where the assessor says: nobody's fooling me with that one, because I know that that work can be done in three days, and he's perfectly right that it can. But these things are left out in a house for sale because it is still a house for sale which will offer some chance of the prospective buyer exercising some choice in the colour of the floor tiles and possibly the colour of bathroom to some degree.

MR COWLING: Do you have some difficulty with that when the assessor says: OK we're going to assess it as completed.

MR JOHNSON: Yes, we have one who says: It's not completed; it hasn't got w.c. facilities; it isn't within the meaning of a habitation—we can't put a tax on it; the other people say, this is merely a specious device for avoiding taxation.

MR COWLING: But you may take 100 people through there and keep it for six months before you get a buyer to decide on what they want in the house. (true) and you're paying full taxes.

MR EVANS: Has this just recently become a problem; within the last year or two because people aren't just buying houses?

MR JOHNSON: Yes, yes. My personal knowledge of this goes back to some three years. It started in Scarborough, where a case was made to the Court of Revision, who refused the appeal; it was taken to Judge Weaver in the County Court, who gave a favourable decision, and his reasons are clear as to why he did this. This was appealed by Scarborough to the Ontario Municipal Board, who reversed the County Court Judge's decision. This is as far as it has gone through the legal channels; and I think it is right for me to say this, that we felt that...we had some hesitancy in approaching the Minister and your good selves with the legislation not tested to its full extent. But as we all know that testing legislation and being a knight in shining armour tilting at windmills is an expensive proposition. But we felt we had a case and we should take it further even, to the Ontario Court of Appeal, who would not recognize the Ontario

Municipal Board's decision, they are not a judicial body in that respect; and only yesterday, we have been given our counsel's advice to the current case in London, it's one upon which we should proceed to the Ontario Court of Appeal.

MR BECKETT: Similar circumstances?

MR JOHNSON: The same as I understand it. It went to County Court and was refused on the grounds he did not offer it for rental...this is a very onerous thing to have to offer a house built for an owner occupant for rental. The finishes are very different for an owner. (chit chat re difference in finish)

MR COWLING: How would you record the Act? What would say? You must have thought out some changes.

MR JOHNSON: We havent, Sir, we have offered some suggestions as to what would overcome it; and that is offering the builder at least a period free of taxes while his house is not ready for sale, for six months or until he sells his house. He will report this fast enough.

MR EVANS: Would a builder gamble more and build more houses when he has one or more tied up for a period of time?

MR HYATT: Yes he would to some extent, because while at the moment, sales are not too brisk in the Toronto area; builders will not put up a number of houses; they will only put up models and sell from that, because immediately they put up a number of houses on speculation, taxes commence; it cuts into their investment, and the sum of all these, it's too great for a man to operate.

MR EVANS: But dont you think the municipalities will have some expenses, as Mr Singer pointed out, there will be certain expenses a municipality will have with these houses regardless if they are sold or not.

MR HYATT: Yes, we appreciate that and we are agreed that there should be some taxes, but not the full amount, because we are not sending children to school; there's no maintenance on sewers or water, because this is a new subdivision and all these services have been paid for, and the subdivider is still under contract for a minimum of two years to makepayment himself. Your fire and your pol-

ice are rather negligible in new subdivisions, however...

MR MORROW: Your hazard is greater. (chit chat re cost of insurance)

MR JOHNSON: We have to pay higher insurance for the mortgage purposes, but this has been discussed among our council, and I can understand why we get very little of their sympathy in speaking of police protection, because this is a rather ironical joke, because so many of us have to pay vast bills, and I mean this-I'm not overstating the case-for vandalism which is occurring in our property. Police protection just isnt there at the time. Sure it nominally exists, but all of us can attest differently. Now the risk of fire in a vacant house must be one of the lowest risks that exists; of course if it happened, we would expect the fire brigade to come. We dont want carte blanche

MR COWLING: What portion then should you pay of the taxes? Can you give an observation as to what portion of the tax the merchant builder might be prepared to pay?

MR HYATT: Not more than 25%.

MR COWLING: Is that on the building only?

MR HYATT: Oh yes; land you must pay for it. We have no reserve there.

MR JOHNSON: I am going to agree with my friend and be more specific. There are known elements of the tax structure which cover fire and police protection; there are known charges into the area concerned which would recover any capital outlay and allow for capital outlay which we have been put to; and I dont care whether that amounts to 95% of the taxes. That would be right; and this should be the formula. Let's pay for what we get and let's not pay for what we dont get.

MR SINGER: How can you justify not paying school taxes?

MR JOHNSON: We dont have any children.

MR SINGER: People who dont have children have to pay taxes to schools; the school board has to take into consideration the number of people who are likely to be living in a given subdivision in a new house and they have to put up new buildings and hire new staff and stand by awaiting those children. And their expense

goes on as soon as they can reasonably expect your houses are going to be completed. They've got to anticipate the clients; they can't have the children standing outside, so you have to have a new school and hire a new staff and all the rest that goes with it, and you can no more say your argument is valid anymore than you can say that the man who has no children has to pay school taxes, or the man whose children have finished school, no longer should pay.

MR BECKETT: And it goes a little further than that too, Mr Singer, when you stop to consider the fact that today very very few houses pay the cost of the municipal services.

MR SINGER: Yes, you've got to get up to the \$25,000 to \$30,000 house before you're beginning to carry it.

MR HYATT: Well I don't believe that the builder should be penalized for something which may be at fault in the Assessment Act.

MR BECKETT: Well that's not really the fault of the Assessment Act; the ordinary house doesn't pay its way.

MR JOHNSON: And because a number of these houses are not paying their way, it has been for this reason that municipalities have started this system of the provision of capital grants to help them. Approximately they charge \$700 on top of the cost of the building permit, and then taxes on top of that, whether occupied or not. You can instance school taxes, but in my experience, and you may well disprove me on this, I don't know of any schools standing vacant waiting for people to come into them; they are usually in arrears, and the population get there before they can start. Usually we need municipal services before the schools are built; they may be planned, but they're not built. Usually the population is there before the supermarkets get built, until people live around them.

MR MORROW: Of course there are built in areas where there is just spot vacancies...for example I am thinking of certain areas in Ottawa where a subdivision is built and there are 50 houses in there still unsold. Well the schools now are built in there, and they are serving the other people in that new built up area, and yet there are many vacant houses in there; that the reserve is still left in there in the school to accommodate them when they become filled.

You see the school is not operating at full capacity; you see instead of 40 in an average classroom, they may be running 30; or there may be the odd vacant room that they're not using at all yet. But the plant is there and in operation, and yet there are many vacant houses there sitting there for a year in this particular area.

MR SINGER: You take the large area, the St Andrews development in North York; there's three or four schools going in there and those schools had to go ahead. The cost of running those schools can't depend on the ability of the merchant builders to sell individual houses. The schools have to be there because some of the houses are going to be sold; they are going to produce children to attend school and they have to have the school ready for them. And that area is so located that they can't reasonably be serviced by other schools at all.

MR MORROW: But I don't know of any area, Mr Singer, perhaps you do--where the houses are all built and then they can have a school designed. I don't know of any particular situation like that. (no) I think they try to have the schools ready.

MR JOHNSON: I pointed out by trying to give you a concrete example of the flow of taxes to a municipality for a long time before people and house taxes start. I gave you an example of 75 acres which once produced \$3,000 assessment which goes up to \$185,000 assessment forthwith; before anything gets done, the municipality are collecting taxes very often under current conditions of development improvements.

MR BECKETT: So you think the municipalities should consider that and give you some relief; for instance you gave us an increase from \$3,000 to \$37,000 in assessment and the municipality would be getting taxes on the \$37,000.

MR JOHNSON: Yes, but it would go then to a much higher figure immediately some services and roads were in; it would go to \$187,500, and there need be no population to deal with there in the first year or two, as things move in this day. The alternative of this I ask you, Gentlemen, is it then absolutely the responsibility of the house builder to pay all these taxes for services which

he is not receiving? This in any man's language...you pay for what you get, and you dont have to pay for what you dont get. This is... this smacks of...

MR SINGER: You pay for what you get and what's made available to you, whether you take advantage of it or not.

MR HYATT: That is not so; there's an old story as you might recall about the fellow in the hotel room who was charged \$140 a day, and he refused to pay it. (chit chat and laughter)

MR COWLING: Mr Chairman, I think that we've had two alternatives here- suggestions- one for 25% and the other that you pay for the actual service. I think they both sound reasonable. You know, all municipalities are very anxious to have builders active in their area, for the reason that they know they're going to get increased assessment and increased taxes-you know that too.

MR MORROW: But residential assessment doesnt carry itself to a great extent.

MR BECKETT: The area municipalities are now realizing that they're liabilities; they're not assets.

MR JOHNSON: May I point out on this particular point, Mr Chairman, the Town of Burlington, with which I am in close connection, one of their very able councillors did an independent study on this particular point, because in Burlington they were getting over-run with developers in a very spotty sort of way-in a badly planned sort of way; and it became necessary, they felt to stop development. Everything stopped-there would be no new subdivision building. And in this time, this member of council, who is now the mayor, Mayor Owen Mullins, a most competent young councillor at that time, did a study, and I only wish I could show it to you because it's been quite a best seller from Burlington's point of view, and he showed by practical figures, that what we are saying here, and I do subscribe to it to a great extent, that they were worse off, if they didnt develop than if they did, to the tune of about \$7 a house.

MR COWLING: Just following along what I was saying, Mr Chairman, do you find that the municipal councils have become a

little more difficult on this particular problem of the assessor becoming aware of the completion of the house? (no, Sir) Over the last 5 years or 10 years, has there been any more severity?

MR JOHNSON: My own personal experience is that I have been very sympathetically received by courts of revision, and this is very nice, but it didnt reduce the taxes.

MR HYATT: I think Mr Cowling was asking whether the assessors are a little bit more severe. They are in the municipalities where I have worked.

MR JOHNSON: Yes they are more severe.

MR COWLING: But there's no general trend towards the tightening up, because all municipalities need more money?

MR HYATT: Yes, there is a general trend now, yes; a few years ago a house didnt sit very long....

MR SINGER: Isnt this the point though?

MR HYATT: Yes. Yes, of course that is...

MR SINGER: Well the essence of your Brief is a reflection of the economic conditions which exist today. (yes) Your houses are not moving.

MR HYATT: This is true; if they were moving, we wouldnt be here...

MR SINGER: There'd be no problem.

MR HYATT: It would be only for a month or so, and we wouldnt have this problem.

MR BECKETT: You wouldnt be here, maybe.

MR HYATT: That's true.

MR JOHNSON: Could we go back to what sparked a lot of this, we think. It goes back to our dear friends the CMHC and the National Housing Act. They came out with a maximum of 1050 sq foot, would be the only one on which people could get a mortgage; and so they forced-arbitrarily forced-the builders into building a house of a maximum size of 1050 sq ft. The public reacted violently to this. They were not prepared to live in a 1050 sq ft house....

MR COWLING: How many bedrooms?

MR JOHNSON: 3 bedrooms; and as Mr Hyatt says, there are enough of those houses standing around today from two years back-three years back, empty, yet we were pushed into this, and the taxes are being paid. The taxes and carrying charges will amount to \$112 a month roughly, take heating in and your up to \$130 through the year. This goes on \$1200-\$1400 each year ; now that builder cannot add \$100 to the cost of his house each month, and the house is beginning to depreciate, just because he losing; and those houses are dead losses.

MR MORROW: Of course you can go to the other extreme from these 1050 sq feet, there is also the customer down there who is getting into the 1700-1800 ranch bungalows; and there's an awful lot of them and they've been sitting there for years. I think now they've gone too far the other way-they're too large, you see. There must be a happy medium.

MR SINGER: Are you in any different position than the merchant who overbuys a particular article-miscalculated the market?

MR JOHNSON: Yes, Sir; he wont have to pay a tax on it.

MR SINGER: He has to provide warehouse space for it, and it takes up counter space. And if he decides it's not moving, he is going to drastically reduce it or even take a loss on it to get rid of it, get it out of the way.

MR BECKETT: I guess the builders have to do likewise.

MR JOHNSON: We are doing this.

MR HYATT: Or trying to do so. I think myself, though in our particular...I say this because many of our other communities across Ontario still have a boom market in houses-Toronto is perhaps a very soft spot. (chit chat re good markets) So I suggest that while many municipalities are booming today, they are going to come back, not to where we are today here at the moment, but their houses are going to sit for a longer period. And coming from a family of builders, as I do, I can tell you we had this problem during the depression years when my father built and houses sat

at that time; and this was then a problem then also, because some of these municipalities were pressed for taxes which a builder could not afford to pay; and he couldn't add it to the price of his house- he was lucky to sell it and get \$200 or \$300 down; and a lot of communities are going to get that-maybe not as bad as that- I don't believe that we will; but we are going to have this problem constantly with us now to some extent. This is why I think something must be done about it, because otherwise you're going to have a complete stoppage of building and we're going to be back into the depression days; because when your construction industry is down, the whole of your economy is down.

MR COWLING: And the municipality is getting into the house business.

MR HYATT: That's right. But they're going to have to do their own subdividing if they want to build.

MR SINGER They've got a bigger problem than that; eventually you run out of people who are going to buy homes.

MR JOHNSON: On what Mr Hyatt has just said, there are various deviations of this, the house building industry accounts in Ontario, for something over $\frac{1}{4}$ million man year jobs; this is a pretty big slice of Ontario's labour market, and is one to be considered.

MR THOMAS: What would be a builder's profit on a home say costing \$14,000 to build?

MR JOHNSON: Well, Sir, to build and sell it, it would be one thing; if he's going to build it and keep it for a year, it would just have gone long before....

MR COWLING: Well just give us both figures.

MR JOHNSON: I will give you, if I may, particularly one-it's not a good example, but it is an example of what is happening today's very highly competitive building market in Burlington- I can say this because I'm not building in there, but I'm intimately aware of the situation. There are 7 builders in there and they are building almost exclusively one type of house, which has become popular- a Colonial split, if there is such a thing. Four builders in

18 months have gone bust in there; and others, 5 out of 7 who are working there, tell me that their profits are running between \$400 and \$800. The man who is making \$800 is an extremely competent builder-very competent, but he's working on nothing and he can't stand a good knock. I'm just wondering what's going to happen when some faults occur and he's got to go back and do a \$100 maintenance job and things like that. Truthfully speaking, he should be getting more than that; maybe Mr Hyatt can answer that question.

MR HYATT: Well in the last 8 years, in the Toronto area, and we have some pretty sharp builders here in the Toronto area, I would think that the maximum a person could make on a home should be 20%; we try to work between 5% and 7% and there's been a lot of good building in the last 8 years. In the past 3 years, if a person could come out with anywhere between \$300 and \$500 profit on a home, he was doing extremely well-net profit. Now this is on an investment...I'm talking about \$15000-\$16000 homes where a builder should have a minimum of about \$5000 to \$6000 invested in the house.

MR MORROW: The contract builder in Ottawa who is building on the pre-sale of the contract in building anywhere from \$14,000-\$17,000 houses, he's going to make \$1200 to \$1800 net profit on his house.

MR JOHNSON: Ottawa prices are very good. (chit chat)

MR THOMAS: The cost of land, has it not gone up?

MR HYATT: Actually the cost of housing has gone down. We showed this in a Brief to the Goldenberg Commission; the cost of housing has gone down since 1950 by quite a percent; but in 1950, we were paying in the Toronto area between 900 and 1200-\$1200 was tops for a lot-with services, sewers...I'm speaking of Scarborough at that time; we were on Pharmacy Ave at that time, 1949-1950, we paid \$1200 for a lot and those same lots today will run at a minimum of \$5000 to \$5200.

MR JOHNSON: In the City of Hamilton, I have some recent figures, 1958, the average NHA lot price was \$3,420 and by the time of the Goldenberg Commission last year in November, the

average was \$4,740. And in the same period and at the same time, the cost of building had dropped from...they had dropped about \$600.

MR MORROW: I think these ones, Mr Chairman that I have known about, it's not more than 3 months or 4 months from the time that the fellow picks up his loan until the occupant is in the house. These loans are for 90 days.

MR JOHNSON: An example of our company is fairly typical; we suffered acutely on this taxation business; we only had 14 houses and we got caught in the 1050 business, but it learned us a pretty sharp lesson that you cant operate for long under those conditions. And so now we proceed on the pre-sale basis. We've got to sell before we build. This week I'll give you an example, particularly to you, Sir, because there are people from Ottawa, who are moving to our area. They are moving on September 1st; he knew about this about 10 days ago and he came into our development and looked for a house. Now we do not have houses standing waiting for people to come into. He said he is making about \$12,000 a year and I presume a good citizen and he would have been a credit to the little town where I am building. We couldnt help him; the town lost him because I havent got a house sitting waiting to give him. This is one of the things that is happening. We are playing it down and we are not having the houses available. And the municipalities in this way, at least lose some revenue. This man would have bought a \$25,000 house, but he couldnt wait for us to build one. Now this is only one example, but you can multiply it many times.

MR MORROW: I dont know...it was my thought last year that we had a number of speculative contractors who had to heat and to pay taxes on vacant houses over the winter months and so on, if they dont get around to pre-sales contracting, they're not going to last much longer. I think the speculative building is getting caught up with in most areas.

MR JOHNSON: It is but there is a very large segment of the public to whom blue prints and plans do not convey anything; they must see what they're going to buy; and it is the only terms under which they will....

MR MORROW: Well they have model homes which they can walk in and see the different plans all completed, and they see their completed house before they buy and this helps.

MR HYATT: Well we'll always have speculative building-that was proven even during the worst of the depression- and a lot of them still stayed in business.

MR EVANS: Mr Chairman, I think there is a little problem here and I think there should not be discrimination between a fellow who builds an apartment and a fellow who builds houses. I think there are provisions now on which a man who owns an apartment to be able to get a reduction in his taxes.

MR BLOCKETT: There is no question when his apartment is vacant, is there?

MR EVANS: Yes, that's what I mean.

MR MORROW: If it's justified in one case, it is justifiable in the other.

MR COWLING: They dont use the same term of the assessor becoming aware of an empty apartment? (no)

MR BLOCKETT: Mr Bernard, would you like to say something on this?

MR BERNARD: Thank you, Mr Chairman, I think our case has been stated. I'm glad that Mr Johnson referred to the fact that the housing industry in Ontario is capable of providing 228,000 man year jobs and considering that it is a \$700,000,000 industry, and any incentive that helps this industry continue to build homes and to provide jobs, I'm sure that you gentlemen will recognize-I think you are recognizing it in the comments that have been made. That Section... -that Mr Cowling suggested the re-wording of the Assessment Act is Section 131, subsection 13 (e) "a building where the rent is unreasonable, where the building is not suitable for occupation by a tenant, or when the applicant has not continuously endeavoured to have his building occupied"...now the first sentence, a building where the rent is unreasonable...rent is actually mentioned where in the latter part it says "endeavour to have the building occupied" it doesnt say, to have the building rented.

MR TAYLOR: Would you say "rented or sold" instead of "occupied"?

MR BERNARD: I think "occupied by a tenant or a purchaser".

MR BECKETT: Perhaps, Mr Bernard we should read the subsection itself. (reads) "An application for a cancellation, deduction or refund under Clause (a) of Subsection.....when it is applicable to all classes of properties except....." and these are the exceptions.

MR BERNARD: That's right, these are the exceptions; it doesn't classify all classes of property.

MR TAYLOR: Is there any complaint about the three months vacancy, three months and more?

MR JOHNSON: No, I don't think there is anything; if the Act were clarified so that occupied meant that you still tried to sell it...to show that you still tried to have it occupied, not necessarily rented. It is because of the substitution which is occurring in the interpretation of that word.

MR MORROW: Do you think that the intent under that Section, Mr Chairman, was they had only in mind apartments?

MR BECKETT: Oh, no, no...I don't know what date this was-how far back this Section goes.

MR JOHNSON: Mr Chairman, it's not only for apartments; it also applies to a rented house; they also have no difficulty in securing a rebate.

MR BERNARD: If the Legislature had intended that the owner must continually have the building rented, would it not have said so, rather than use the word "occupied"?

MR BECKETT: When this Section was drafted as part of the Act, it might have been applicable...we don't know when...but times have changed a lot.

MR MORROW: That's why I wondered if they were really thinking of apartments only.

MR COWLING: Well I suppose you get apartment builders who are also merchant builders?

Mr JOHNSON: Oh yes. This is very important to us; as we say, it represents \$1,000,000 from builders which we could do an awful lot with to keep us going through the thin days. If it continues, it can only result in the cost of the house increasing; the builders are going to estimate for the possibility of having to pay taxes if they don't sell. The alternate is that they lose it without having made any allowance for it. Every builder I know, and myself included is loath to start and put a cost item in for such an airy fairy thing as taxes because you didn't sell it.

MR COWLING: Mr Chairman, now that we have these building experts here, one of the great political questions since the end of the war has been houses, accommodation, building, let's get the houses. Now have we taken up the slack in building since the war?

MR HYATT: Oh yes, yes. While I am speaking for the whole of Ontario, my business is here in Toronto, and the situation in Toronto of course is foremost in my mind and I speak from personal experience. There is a great difference between Toronto and the other municipalities; so when I say, yes, my friends can say something different for another part of Ontario; so I will speak for Metropolitan Toronto. There is still a good market for homes here, but there are many homes sitting today, which as Mr Johnson pointed out, were built under this 1050. Building right across Canada is more or less governed by situations which are set up by CMHC, because the majority of them are mortgages under NHA. For instance one is a two-bedroom house...now there is a good market for a two-bedroom house, for retired people, young married couples, childless couples of course; and yet you can not build one of these today, because the mortgage is so low, the difference between the mortgage and the end price under NHA would be so great that the people who need this kind of accommodation couldn't afford it.

MR BECKETT: What was it, \$1000 it used to be?

MR HYATT: Yes, it used to be \$1000 and then they changed it to \$1050...

MR COWLING: Would you say this that there's a short-

age of medium priced accommodation?

MR HYATT: In some areas, yes.

MR JOHNSON: This is going to be my contention, Sir, there is a vast market for housing which is not tapped; it is the lower third of the wage earners who cannot afford to buy a house today. The maximum NHA mortgage of \$14,450 requires a salary of \$5400; this is outside the range of over one-third of our wage earners. In Hamilton, the houses which are selling today are the very very lowest priced ones. There is a huge market for the \$11,000 house, but how the hell can you build that on a \$4,000 - \$6,000 lot; and here we come into NHA zoning regulations, which say, you shall have a lot not less than 60' frontage by...7,200 feet you must have, and you cannot build a house on it less than so big. Mr Hyatt mentioned the small house; there is a case for it. I'll give you a prime example of customers buying from us and moving into the area, these people, they are old folks, the father, a spritely man in his late 60's and the wife, no less spritely about the same age; they're being left behind in Montreal where they don't want to be. Their children and their grandchildren are coming up here, and they want to come with them. They do not want a big house. They don't want to go into an apartment. They want the privilege and freedom of a house of their own; they both love their little bit of garden. They want a small lot and they want a small house. I couldn't do business with them. He said: If I take a two-bedroom house, I've got one more than I want. I want a small house-I'm not going to be able to live forever and I want to be able to take care of my little bit of ground. I want the best house I can ever buy for my wife with every modern convenience; and he talked in the range of \$20,000-\$22,000. And I couldn't do business with him, because I am not allowed to build a house less than 1100 sq feet, by the zoning regulations. Now this applies to a lot of senior citizens of whom each year there are going to be more and more. Where are they going to go? Are you going to drive them out into the country where there is no regulations; this is the only place where they can go and build a house in a small area away from their friends, their families and their shopping facilities and everything else they need. What about the many cases of childless

couples-never mind the young married couples-they will have families I'm not legislating for them; I'm legislating for these two classes, and they represent...today the senior citizen represents 1 in 10, and they are going to increase that rate. And then you have your lower third of the wage earners who cant touch or buy a home. This hurts to me because there's a big market, and you can never be able to touch it while things are the way they are.

MR BECKETT: Mr Johnson, on the other side of the fence there are the municipalities striving to meet their end, and they want sufficient assessment so they can carry all the services.

MR JOHNSON: But arent these municipalities coming to you, Sir, with rental house schemes-they're going to have to provide it soon is somebody else is not providing it. You see building up in front of you a problem of public housing. Are going to go back to the council house in England and the masses of rental houses- some of them extremely good and they've done a good job in England; but I dont think this will do for Canada. I wouldnt want to see it happen.

MR BECKETT: Then we'll have to have subsidized housing.

MR MORROW: There is some row housing in Ottawa now; are they doing any row housing up here? There are 16 units in a row.

MR JOHNSON: There are examples of this, but once again, you're confronted with every conceivable kind of planning difficulty; it's not zoned for this and you've got to go through a protracted, and I mean protracted-process Municipal Board applications. And it probably gets slapped down in the end and you have an expensive and time consuming procedure...

MR BECKETT: The municipalities dont like row housing.

MR MORROW: I know but they've been doing it in Ottawa a bit; it took about 2½ years before it finally got...it was pretty expensive land before he got going.

MR COWLING: As a matter of fact, Mr Chairman, you have to admire the tenacity of some of these builders; they still build houses under some of the most difficult circumstances; and we in government are saying, we need more houses for the people; we want housing-not public housing- we want private enterprise to build them

yet at the same time, we sure put the road blocks in their way in many cases; and nobody knows it better than you. (laughter)

MR BECKETT: It might get back to higher land tax, which is now being used in the system in Pittsburgh and Scranton.

MR HYATT: Well you have a good system in Scarborough where you have an extra tax or something...what you call a holding land deal...I know I'm stuck on one of them. I know I bought a piece of land some years ago and I know the taxes were about \$158-\$200 a year; then they jumped up to \$1500; and this is unusual-there were buildings, that is the reason; and somebody stole the buildings off it-you can imagine how good they were, and my taxes are now down to about \$1100. And there isn't any hope of a subdivision going in there for a minimum of 5 years; there's no trunk sewers- you know the area, north of Sheppard and 401, and yet it's costing me \$800 a year on 10 acres for five years and we've got another five years to go, so you know...

MR SINGLER: But you'll get a pretty good price though on that.

MR HYATT: No, it wasn't as good as I'd like to get; I'd sell it for that price right now.

MR JOHNSON: For everyone Mr Hyatt can bring out, I can bring one out too; I have 30 acres in Burlington which cost me \$2800 a year; it was an orchard. I was going to develop it; but Burlington was one of the towns which not only took all the things that Scarborough invented, but also those from Etobicoke, North York and Toronto Township and it welded it all together in a massive document and said, that's a subdivision agreement, and it became so onerous that we just couldn't live with it. For one thing you had to service the entire area and put the roads in before you built one house. I'll give you an example. This is pertinent to your question, Sir, of a small subdivision of 56 lots, 4 to the acre, on just 14 acres. My company parted with cash to the tune of \$109,000 to permit me to sign the subdivision agreement. Of this, \$55,000 was returnable; \$49,900 and something was 50% of the cost of servicing, which I had to put down to secure 100% bond. But as far as my treasury was

concerned, I parted with this money. I had then to start work; I had then to start to do \$100,000 worth of services.

MR BECKETT: Was that cash you put up or a bond?

MR JOHNSON: That was cash- you got a bond for the full amount; this was in October, 1958. I received \$32,000 back, the last of that money, on May 1st of this year.

MR HYATT: Did you get interest on that money?

MR JOHNSON: Yes, about 1 $\frac{1}{2}$ %- isn't that good?
(chit chat)

MR HYATT: This points up the fact that we are paying for these schools in taxes long before the property is in the class that we're being assessed at.

MR MORROW: With all these terms, what do you estimate a lot would run you in this Burlington subdivision?

MR JOHNSON: I have accurate figures for that, the 56 lots, the lots cost 4 to the acre, \$1250 for land. My cost figure by the auditors on December 31st this year was \$4,137.38 cost; and I can't put in the time I spent, the 18 months getting registered, how much that cost me.

MR HYATT: Do you have curbs and gutters there?

MR JOHNSON: Curbs, gutters, street lights, sidewalks, sanitary, storm-the works; I'm very happy today that I've sold five lots at \$4500; my net profit is \$134 and it's been going almost since 1958; and I won't build on the darn thing. (chit chat) For instance they require 18 inches of stone on their excellent clay subsoil gravel -very hard- under their little streets; and I'm not talking about through roads-this is a 56 area lot, and there could be 100 houses in that area; but this is the sort of specifications the Dept of Highways go for for the Queen Elizabeth. Hamilton requires 6 inches of concrete under their streets before topping.

MR BECKETT: You filed a Brief with the Goldenberg Commission?

MR JOHNSON: Yes, but of course this is labour-management relations; we did mention costs and the relation of land cost to housing.

MR BECKETT: Could you get us a copy of that Brief?

MR HYATT: Yes, we'd be very happy to do so-how many copies would you need? (25) Fine as many as you wish.

(chit chat re road surfacing)
MR JOHNSON: On this general topic, despite traffic conditions there is this arbitrary requirement of 66 feet for street allowance- and the majority of it is kindly left for the owners to mow the grass-they're never going to use it; it's a kind of boulevard; but the land is taken out that could have provided more houses.

MR THOMAS: Of course they cant get any subsidy from the Dept of Highways if it isnt this wide.

MR JOHNSON: Right, Sir, you cant get your road allowance if the road is less than 66 feet.

MR EVANS: Some want it wider (yes) we have cases where they want 100 ft road.

MR SINGER: But you gentlemen have been before enough councils to recognize that it's a very difficult job sitting behind a council desk to say to applicant A, you're going to have one size road and to apolicant B. another; and applicant A is going to put one type of asphalt down and applicant B another-certainly here in the Metro area with such a volume of building going on, and there are always suggestions that the people behind the council desk are doing it corruptly-this is always suggested, and it is almost impossible to pick and choose; youhave to lay down standards, and make them apply across the board, even though it's unfair.

MR JOHNSON: You have mentioned one of the points that I feel strongly about, and that is applications across the board-this is where much of our trouble comes in-this arbitrariness. All our lives are compromises; we discriminate in what we eat, what we wear and whom we do business with; why do we not exercise our....

MR BECKETT: That makes it exciting.

MR JOHNSON: That does? It isnt very exciting when it must be a 66 foot road-never mind if it's a little dead end street and there's only six houses on it; or whether it's a mile long road with 300 houses on it, the same must apply for both. And it's the same with the regulations. You get towns who have been taken by dev-

velopers- I acknowledge this- and there have been some pretty bad examples of it in towns, and they must be protected; but not everybody is a shyster; and anythin~ that burns me is being treated as one, when I try to live my live in business on a moral basis. But continually I am confronted with the attitude that I am suspect, I am not to be trusted.... (true) But the point is, having established yourself and met your commitments, you're still the next time you go, the same old shyster. (chit chat re town attitudes)

MR EVANS Do you build any schools? (no, Sir)

MR MORROW: Libraries?

MR JOHNSON: No, Sir. Most of us are house builders. And we are developers as well-we dont buy from anyone else, we develop our own land.

MR BECKETT: We had a Brief here the other day where it was suggested that all builders be licensed.

MR JOHNSON: I was going to raise that question if it could come into the discussion at all, because it is something that our association has very much in mind; and the Goldenberg Commission has made a recommendation that registration or certification or something be carried out. We could not be more anti such an arrangement at all, yet we are prepared to devise our own licenses or registrations; we want to clean up our industry-not just our members-we are prepared to see the industry controlled.

MR BECKETT: Did you deal with that in your Brief?

MR JOHNSON: We are dealing with this with the Goldenberg Commission and we've done an enormous amount of work long before the Goldenberg Commission started in- they started two years ago. We have prepared a draft act for legislation which we would hope to see as the provincial government aided with the builders running a council of registration, whereby all builders would have to...after a certain time-you've got to draw the line somewhere so all builders would be able to get into this, but thereafter there would be a qualification to become a builder.

MR BECKETT: That would be under the Labour Relations Act, wouldnt it ?

MR JOHNSON: This comes more under the Labour Relations Act, and one of the things we should be putting over very vehemently at the Minister's Conference in October. But I wonder if I can try to get a sample of what your opinion would be about municipal licensing-whether you feel this is any good or not.

MR BECKETT: We're going to consider it; it's put forward in a Brief on account of the exploitation of labour is one reason.

MR JOHNSON: We think that as recommended by the Goldenberg Commission, it's going to be the simplest thing in the world to get a license or registration; and from then on you have a license to steal if you want to.

MR BECKETT: I think the Committee felt that the fact that you had a license, that cures everything.

MR COWLING: And it doesn't, not a bit.

MR SINGER: I have grave doubts in my mind of the ability of the individual municipality to determine the basis upon should

MR JOHNSON: Who will give the license, probably by some junior clerk.

MR SINGER: This is the key to the whole thing.

MR HYATT: May I ask who submitted the Brief?

MR BECKETT: It came from York Township Ratepayers Association.

MR HYATT: Then what are the municipalities going to do if a builder does something that costs the township a great deal of money; are they just going to lift his license? If they gave it to him originally and the fellow does wrong, then the municipalities are going to be hauled over the coals...

MR SINGER: Now you're getting into another question; there was another fellow came representing the door to door salesmen- the Direct Sellers Association who said anyone who puts down an asphalt driveway should be licensed; and in their mind the grantor of the license, the municipality, should police the laying of the asphalt driveway; now this is nonsense. Surely you can't expect a municipality to go around and inspect every asphalt driveway to de-

termine whether it's a good job or not.

MR MORROW: The thought was though, that some sort of a licensing would stop the fly by night operators that are going from town to town.

MR HYATT: The fly by nighters just love this; they show their license and say: Look we are a licensed contractor.

MR MORROW: But of course if there was some sort of a liaison or some way to get to know these fly by night fellows, they wouldnt dare show a license . (different stories re gip artists)

MR BECKETT: Your license is not going to guarantee that the material and labour going into a driveway is going to be 100%.

MR JOHNSON: That is why with some soul searching amongst our group, because in the end we decided we will go for a scheme...the only thing we wanted is teeth so that we can clean out the people who are like that. They may get in but they'll also get out; and the industry itself will be self cleansing, we hope, with the backing and assistance of the provincial government, to give the force and effect...

MR EVANS: You think your own association can do it a lot better?

MR HYATT: Yes. At least we can judge who is a builder and who isnt; who should be in and who shouldnt be.

MR JOHNSON: Membership in our association is a voluntary thing but what we are talking about would be compulsory, and we would have to go outside the association; we would anticipate that as a result of this, the association would be strengthened, because it is prepared to play a prime part in getting some stature into the the industry, and a decent stature at that. We hate- all our members do-we hate the sort of mud that was slung at the building industry the house building industry particularly from the ruckus in Toronto, here exploitation was taking place and it is taking place today.

MR BECKETT: It will always take place.

MR JOHNSON: But were the means provided, I think the builders would be the first to want to clear it up.

MR THOMAS: The minimum wage, would that help?

MR HYATT: One of the things suggested was a minimum wage of \$1.25 at the Commission.

MR SINGER: It was one of his recommendations too, wasn't it?

MR HYATT: True. Many of his recommendations are recommendations of the Toronto Association.

MR BECKETT: Well, Gentlemen, we appreciate very much your coming and giving your views on these matters. We will consider it.

MR HYATT: Well we're certainly a little bit selfish in this case...

MR BECKETT: Arent we all?

MR HYATT: That's true. We feel that we have a good argument; these things certainly are hurting us. But we appreciate the opportunity you have given us to come down here and speak to you; and we appreciate the time you have taken. We know you are all busy and we are too. Thank you very much.

MR JOHNSON: And may I add my thanks for the kindness you have shown to me personally; and to add, if there are any points in your deliberations that might seem to require a little more information, contact with the association will get you all the information you might need. Thank you very much.

MR BECKETT: Thank you, Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

WEDNESDAY,
 AUGUST 29th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

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Harry M. Allen, M.P.P. South Middlesex
 J.C. Sinker - Reeve
 G.R. Gerry - Councillor
 C.C. Cameron - Assessor
 Jas. D. Stewart - Clerk

PRESENTATION:

BRIEF- TOWNSHIP OF LOBO

TOWNSHIP OF LOBOHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Gentlemen, we are honoured today to have Harry Allen, the Member for South Middlesex. Harry will you introduce your delegation, please but first tell us where Lobo is.

MR ALLEN: I am very proud to have a delegation from Lobo Township, one of my important townships. Lobo Township is in the northerly part of my riding and towards the centre. Now Mr Chairman, Mr Sinker is the Reeve, and Mr Gerry is Councillor, and Mr Stewart is the Clerk and Mr Cameron is the Assessor; he has a big job on his hands right now-he's the county assessor.

MR BECKETT: Did the county council vote on whether they'd have a county assessor under Section 93 of the Assessment Act.

MR ALLEN: I think they did, did they not Charlie?

MR SINKER: Mr Cameron is not a county assessor; they have got as far as the county court of revision; it's in the process of being set up.

MR ALLEN: Now Mr Chairman, I'll ask the Reeve to take over.

MR SINKLER: Mr Chairman, I can assure you that our township is very pleased to be here, and that you have seen fit to hear our problem on the matter of the Brief that we've presented. No doubt you are aware that this was presented at the municipal convention some time ago, and they saw fit to approve the resolution.

MR BECKETT: How long ago was that?

MR SINKLER: That was a year ago...February, 1961, and we're following that up. Our problem is that the south end of our township has a large deposit of gravel, and we don't feel that that we can derive enough assessment through the Assessment Act as it is set up now to take care of these, not only at the present time but in the future, as these lands are depleted and they grow up with all sorts of vegetation, and they don't even make suitable building lots, because a good deal of this is under water. One of the things is that this deposit of gravel seems to be the last large one between

London and the westerly boundaries of Ontario; and one large contractor drew continuously to Sarnia for over a year. We feel that ...well he's the largest business in our township and we were unable even to derive any business tax from his operations. And there are three or four more right in that area that...while they dont operate in his scope, they do remove a terrific amount of gravel from the municipality, and they leave the thing in a...the pits in a mess. Also we have municipalities which own deposits of gravel there and we dont derive any taxation from them. And our contention is that we dont wish to, as a suggestion in this Brief, we ask only a very small fee. We dont want to be prohibitive or we dont want to use it to act as a deterrent to their operation; but we would like to get a little as it's going along.

MR BECKETT: You could prohibit, you know.

MR SINKER: Well we could hold the gravel in our own municipality, I understand, but we dont want to do that. We are not exactly the wolf...the lobo wolf that we are named. (laughter) Now I think if you have some questions, our clerk or assessor and Mr Gerry, our councillor represented our council at the municipal convention, if you have any questions, these men will answer.

MR BECKETT: Well as Reeve, you attend the Mayors and Reeves Conventions.

MR SINKLER: No, I wasnt present.

MR BECKETT: Has this matter though been discussed at the Mayors and Reeves Convention?

MR SINKLER: I couldnt say whether it has or not.

MR THOMAS: How many tons of gravel do you estimate they take away from there in a year?

MR SINKLER: Well we havent much idea; we have no access to their books. But we do know that it's a huge operation. It operates 7 days a week.

MR BECKETT: I suppose you could calculate it by the number of cubic feet of gravel that comes out.

MR SINKLER: There is a spur line into this one operation with flat cars there, and they load onto that and..they did

use flat cars, but now it's mostly by trucks; but when it was operated to Sarnia, they used the railroad.

MR BECKETT: Have you got a larger assessment on the acreage covered by these pits than you do on ordinary farmland?

MR CAMERON: Yes, it is; in some cases it's more than double..the assessment on gravel pits than it is on farm land.

MR BECKETT: How much would that be?

MR CAMERON: It ranges as high as \$100 an acre; this is on the old method. We are adopting a new method and reassessing and we hope to have it different.

MR BECKETT: On reassessing what would you have?

MR CAMERON: Well, we figure on doing it according to the depth of the face...the depth of the deposit, and it has been suggested in the township that we do it at \$64.50 an acre, one foot deep.

MR TAYLOR: Would that run about 4¢ a yard?

MR CAMERON: 4¢ a yard. Pickering Township did this and they assessed the Miller Paving this; and Miller Paving appealed that, and the Municipal Board upheld the township.

MR BECKETT: Have you got an official plan for the township for zoning?

MR SINKER: No, it's not zoned.

MR SINKER: How big is your township?

MR STEWART: The area is about 47000.

MR SINKER: How many people? (2586)

MR MCNEIL: What is your assessment? (\$3,257,115)

MR BECKETT: Is most of that farm or residential?

MR STEWART: Over \$2,000,000; we have very little industrial assessment.

MR SINKER: This deposit, the most of it is situated within the police village of Tomoco, and now the price of building lots in there is even better than they pay when they went in there buying the gravel; so there's quite a scar on the police village and that, by the way, is only...what is it 4¹/₂-5 miles from the city limits. Any growth that we get seems to be in that end of the township, and this is not lending itself to residential growth.

MR BECKETT: How many acres would be gravel?

MR CAMERON: At the present time, there is 367 acres being worked-not all of it extensively. Some may lay dormant for a year, and then they may go back and start again on the pit. But there would be a potential of maybe 1000 or 2000 acres of gravel in that area. It hasnt been all tested.

MR BECKETT: How many acres then are owned by outside municipalities?

MR CAMERON: Well I didnt add that up- if somebody has a pencil (adds) 271 acres.

MR MCNEIL: How deep is this gravel pit-what would the range be?

MR CAMERON: One operator is taking it out of water and it varies-I'm told it's 25 to 30 feet deep above the grade level. The water level is taken as 4 feet below the grade level- 4 or 5 feet.

MR BECKETT: Actually at \$100 an acre, you'd lose about \$27,100 roughly in assessment. What about the assessment after the gravel is taken out and it just becomes a pit-jelly beans as we used to call them years ago?

MR CAMERON: Well, I've only been at this 1½ years assessing in this township; and I'm not acquainted with the procedure that went on in the past. But in listening to our county assessor, he says by all means leave it on there because we didnt have them assessed high enough in the first place. I have come across properties that you may say are just holes and swamps; these had been originally gravel pits. There may be ten acres in there and they're still assessed for \$1000.

MR BECKETT: And you dont know what's happened to any assessment appeal in connection with the pits after the gravel is gone?

MR STEWART: We havent had any appeals against assessment in the township for a number of years.

MR ALLEN: Of course, I think this has been a venture for a number of years, but once they are abandoned...

MR BECKETT: It's a natural thing, isnt it, to appeal the assessment?

MR ALLEN: Or they'll abandon them and they'll revert back to the township for taxes.

MR BECKETT: I suppose some are owned by large corporations?

MR SINKLER: This one operator.

MR CAMERON: Yes this operator has 170 acres-he is the largest operator.

MR BECKETT: Well he couldn't very well abandon the land because you could always hold him for arrears in taxes.

MR CAMERON: There's about 40 acres of that in the boundaries of the police village of Komoke. And the trucks cause wear and tear on the roads.

MR BECKETT: And they don't contribute to this?

MR STEWART: No, their only contribution is their provincial license fee to the province.

MR BECKETT: That's doesn't help except the grant you get from the province for roads.

MR SINKLER: There's other small businesses within the township that are now paying business tax.

MR BECKETT: Such as retailers?

MR SINKLER: Yes and they have appealed on this; they're not happy with the fact that an operation like this can go along without business tax.

MR TAYLOR: Mr Chairman, I think this problem was raised at the Assessor's Association a few years ago; they had an address on this particular problem, and his argument was that this is mining. But I know for example in Pickering as you mentioned, the person who's taking the gravel, granular material-there's a difference, is a contractor, then they're assessed for 50%. And if he is in the business of extracting gravel, he's assessed at 25%. For example in the neighbouring municipality of Scarborough, they put them in the omnibus clause of 25% business tax.

MR BECKETT: Were there any appeals?

MR TAYLOR: Well there are appeals-there are a lot of appeals in Pickering...

MR BECKETT: How far did the appeals go? Did they

get to the point where they might be binding?

MR BECKETT: In what way, business assessment? (yes)

MR TAYLOR: The individual firm is actually a contractor- road contractor; they classified him as a contractor and then the classification there, I believe, under the Assessment Act, is 50%. And if you can tab him as a contractor, then they put him in the omnibus Section "or any other business" at 25%. And this has been done.

MR BECKETT: You didn't get my point; did the appeal go through the courts to determine it? Did the contractor or anybody appeal that assessment?

MR TAYLOR: It has been appealed, that is the matter of classification of either 25% or 50%; that point has been appealed. But whether the assessment has been tested or not, I don't know.

MR BECKETT: Lobo Township, you think, could assess for business tax?

MR TAYLOR: Yes, I do.

MR BECKETT: On either of one of those basis? Or both?

MR TAYLOR: That's correct.

MR BECKETT: You've never tried it?

MR CAMERON: That's right.

MR BECKETT: Would that solve some of your difficulty?

MR CAMERON: If they don't appeal it and win the appeal.

MR TAYLOR: I might say also, as you know, you can pass a bylaw regulating pits and quarries...

MR BECKETT: But not licensing.

MR TAYLOR: Oh they can go pretty far...some bylaws have been drawn that are very stringent. But the other point of course is the zoning of lands. At one time the extraction of gravel and granular material was ruled by the Court of Appeal, you may know it as the using up of the land, not actually use of the land. You extract gravel and it is not actually using the land but using up the land, and this was used in the Pickering case.

MR BECKETT: But there's no provision for licensing

as yet. Which would be the better, Mr Allen, licensing or assessing for business?

MR ALLEN: Well I think they would have to go into that, but they're in a very unique position. I know western Ontario pretty well, and there isn't any gravel in Essex or Kent and the west part of Middlesex hasn't any gravel; it's all coming from here and they're all coming to Komoke, and what are you going to do about it? That's something...a new problem.

MR BECKETT: Mr Taylor, assessing on that basis of either 25% or 50%, what's your basis? You've got your percentage, but what's your basis?

MR TAYLOR: Well it started differently in different municipalities. Now we mentioned Pickering; there, I believe they take the area- if a person is in the gravel business and has 100 acre farm; then they'll deem 5 acres as granular land; and then they will also deem that there is a certain depth to the holding, and they will measure up the number of cubic yards in that 5 acres and assess it...I think it works out to 4¢ a cubic yard. And that is the assessment on that 5 acres. And then they'll take the balance at \$200 an acre, the balance of the land. Now next door, there may be blow sand which is held by somebody in the city and they'll assess that at \$100 an acre; and again the farm next door may be actually farm land and in the Township of Pickering, top farm land is assessed at \$50 an acre. So that you have that differentiation; so that the actual five acres is assessed...if there is a face that they've worked, they measure down that face and figure that's a depth, and then the area of the five acres to that depth give you so many cubic yards, so you can come up with a figure

MR BECKETT: But your total business assessment per acre wouldn't amount to much then?

MR TAYLOR: Well your assessment actually could be quite high; if you're working right off the bat, five acres, and you've got the number of cubic yards by depth at 4¢ a cubic yard, and then you have the balance which may be four times the assessment of farm land; and then your business tax...of course that's

real property tax. Then business tax on top of that, in Pickering, it's 50%.

MR BECKETT: 50% of what?

MR TAYLOR: Of your real property assessment.

MR BECKETT: But how much might it be?

MR TAYLOR: It depends on the depth of your gravel.

It would vary, you see...

MR BECKETT: What would be the top?

MR TAYLOR: You might go down 30 feet.

MR BECKETT: In Lobo Township, what would be the top assessment per acre?

MR CAMLON: In the past it's been \$100.

MR BECKETT: But all you realize is another \$50....

MR TAYLOR: Oh no no no. If you used the Pickering method of assessing it, you have anything in excess of 5 acres, for example, if your holding being worked is less than 5 acres, then you assume you have the 5 acre parcel of gravel potential; then your other 95 acres you're holding is assessed at \$200 an acre; and of course the assessment for the five acres is considerably more than \$200 an acre.

MR BECKETT: But Lobo Township is not doing that?

MR TAYLOR: But following Pickering's example, it can be done. I might say that in England, they have a whole system defined for the opening of a pit or quarry, and depending on whether it is a dry pit or a wet pit, and not only is the method of opening it regulated, because it affects the water table as well; but also what they're going to do with it afterwards- after it is depleted, whether it is to be used for a pond for recreational purposes and stocked with fish or whether or not it can be used for example for a sanitary land fill and garbage; this is all worked out.

MR BECKETT: Then the Township of Pickering, will it lose this assessment after the gravel is out?

MR TAYLOR: In Pickering, they have a depletion allotment; after the pit is depleted, they will put it on the standard rate. This may be \$100 an acre or less-that's after the pit is depleted.

MR CAMERON: How many years will they charge allotment?

MR TAYLOR: Indefinitely, as far as their present policy is in operation.

MR CAMERON: And then they'll quit paying the taxes.

MR TAYLOR: It's different-if the land were in the Metro Toronto area, that land may be valuable; you don't let it go for taxes; you may charge the municipality or the municipality next door so much a load to dump garbage on it.

MR THOMAS: But you usually find these pits out in the rural area (true) and I suppose when the gravel deposits are depleted to a certain extent, it becomes unprofitable and they will let it go back to the township for taxes, and the township will have to assume the responsibility of....

MR BECKETT: If the property is held by a reputable company, the municipality doesn't have to end up by taking it back for taxes, because they can hold them, sue if necessary.

MR EVANS: Not only that, Mr Chairman, where a man goes through and takes this gravel out, you run into the problem where the municipality hasn't got any gravel to look after their own needs, and it costs them a lot more money to bring gravel back in. I know that has happened in my area where we are very scarce of gravel.

MR THOMAS: If the deposit were privately owned, what can they do about it.

MR EVANS: Where it's privately owned, the Dept takes it; if the Dept needs it- the 400 Highway went up through my area there and they needed gravel, and they depleted the most of our pits with the result that my own municipality and several of them around there are bringing gravel in from pretty well down towards Toronto, out through Richmond Hill and around there. (chit chat re difficulty of getting gravel etc)

MR SINKER: I was interested in hearing about fill-the pits after depletion; we find the municipalities are the worst offenders for leaving the property in a mess; they just walk off and forget about it.

MR BECKETT: And you cant assess them either.

MR SINKER: That's right.

MR COWLING: That's a great place for garbage though, a gravel pit.

MR GERRY: But we havent much garbage in local townships?

MR COWLING: But you're pretty close to London.
(chit chat re garbage disposal)

MR BECKETT: I dont know how many acres we had in the Township of Scarborough, and we sold it for industrial purposes.

MR SINKLER: We cant do that. Besides we have a water problem there with us. When they take it out, it fills up with water; it's a spring bed at the bottom.

MR STEWART: In some cases they take out gravel below the water level.

MR BECKETT: Actually it is not of benefit to your township.

MR SINKER: If we can get some assessment out of it, in that way it would help, and some business assessment.

MR BECKETT: I know, but you might get business assessment when the gravel is being taken out, then what happens?

MR SINKER: Well that's the picture.

MR BECKETT: It might be better for the township to prohibit it altogether.

MR STEWART: Well that's pretty nearly impossible to do; the Dept of Highways will take gravel anywhere and they will come in and take gravel-how can we prohibit the others?

MR BECKETT: Havent you got to be realistic though, in a few years, you're going to have X number of acres-this is a hole, and what have you left?

MR SINKER: We have nothing but a scar.

MR STEWART: We have 2000 acres that we could grow tobacco on anywhere, pretty near, and they're building a town on it, and you can see substantial assessment in that area for the future, but it's all on gravel and the gravel is going out, and when the gravel is gone, you cant grow tobacco on it; you cant build a town on it, and there it is. And they're not developing it all at the same rate. The

business assessment according to the value of the property, the percentage of the value of the property would be of benefit, but we have one man taking out 10,000 yards in a year on 4 or 5 acres; and another man taking out 1 million yards in the year from it, so that we feel the only equitable tax would be one on the amount of stuff taken out.

MR BECKETT: Supposing you assessed them at \$400 an acre, so that you'd get some decent revenue spread over the future years, what would your court of revision do?

MR CAMERON: Well would that be fair? Some of those pits are much deeper than others.

MR TAYLOR: Mr Chairman, the weakness of that is this, it would depend on the depletion in a year; and you might have one year's assessment on it but even at the high rate; and another contractor is not working his very much; he may be saving it for jobs in the area or for future use, and he's paying at the same rate of taxes every year, even though he's not taking any out, as the man who is taking the million yards out. And you may have a reputable man in there taking a little every year, and you may have somebody who's just peddling gravel and they're in and out constantly and leave a mess. Is that right? (yes)

MR BECKETT: How are you going to get revenue, if you take the gravel out in say five or ten years; then for 50 years, 100 years, that land's going to be a hole in the ground.

MR TAYLOR: The only equitable way, as had been mentioned here is on the volume taken out, the same as on your mining, of course that's on your profits; on what you take out, you pay.

MR SINKER: We don't feel that the amount suggested would be even a deterrent to that business.

MR BECKETT: You mean there's too much profit in it.

MR SINKER: Yes, we don't think-it would provide us with extra revenue,-but we don't feel it would be any deterrent even to another municipality.

MR GERRY: We would like to see the National Coke and Gravel provide us with some revenue from the pits and the weeds too; the farmers complain they do not comply with the Weed Control Act,

and we have to keep down the weeds because the neighbouring people complain about it.

MR BECKETT: Isnt your revenue going to stop once your gravel's gone?

MR GERRY: To a certain extent, yes.

MR BECKETT: But it will be just a hole in the ground.

MR GERRY: Yes and how will you get in there to clean up the weeds with great big rows of dirt piled up.

MR BECKETT: You have authority for that to go in and cut weeds and charge it back on taxes-that's done all over the province.

MR EVANS: Mr Chairman, in a gravel pit, where the gravel's all taken out and it could be made into a garbage dump if it is close to a municipality; but if it's sitting there, what is the situation as far as the assessor is concerned in assessing this property? What does he charge the owner for it?

MR BECKETT: Do you mean what category does he put it in? (yes) Well we have an assessor here, what does he do?

MR CAMERON: Well some of it has been classed as waste land, and some of it has been left on because they are still taking gravel out of a portion of it. I can cite 10 acres that has been assessed for \$100 an acre for several years, ever since he started operating.

MR MORROW: But when this is over, it is waste land.

MR CAMERON: Yes. This 10 acres he is still paying \$100 an acre, the rest is assessed at \$40 an acre for farm land.

MR BECKETT: What do you assess waste land at?

MR CAMERON: Oh around \$10.

MR BECKETT: They will be entitled to around \$10 an acre then, here.

MR CAMERON: There are portions of some pits...the biggest operator, he has completed some areas but we havent reduced it.

MR BECKETT: But if it went to an assessment appeal, you'd be in an awkward position, wouldnt you? (yes) You see now you have this Pickering case, this changes things. We suggest that you

get in touch with Pickering Township and follow their line.

MR ALLEN: Are they satisfied with theirs?

MR BECKETT: Apparently. Mr Taylor can give you the full information on Pickering Township (Mr Taylor repeats the Pickering Township case) Well Harry, I would suggest that your township officials contact Pickering Township to find out exactly what they are doing and how they are doing; it should be a great help.

MR ALLEN: Oh yes; it always seemed to me that millions of dollars of gravel were going out of the township and the township not getting any revenue was not just right.

MR EVANS: Mr Chairman, I agree whole heartedly with that because as I say, in my own area, millions of dollars of gravel went out to 400 Highway, with the result that the adjoining municipalities havent any gravel left and they have to bring it in. But they never got any revenue out of these gravel pits-none whatsoever. All we've got left is a hole in the ground.

MR BECKETT: I think your greatest worry is after the gravel is gone.

MR SINGER: What are you going to do with this revenue when you get it, just put it into your general funds or set it aside for eventually fixing up these holes?

MR ALLEN: Well for your information, this is a Scotch township-you dont need to worry about the money. (laughter)

MR SINGER: I'm thinking about 10 or 15 years ahead when the gravel pits are empty; is there going to be any plan of acquisition of these areas by the township; and is there going to be a plan to do something to reclaim this land?

MR SINKLER: Our auditor was at our last council meeting and he suggested to us that the Municipal Board was most anxious that the municipalities set up special funds now...

MR GERRY:set this money aside as a special fund for the purpose of cleaning up gravel pits and looking after this land.

MR ALLEN: Your roads too, they would be in better

shape too than they are today, if you had had the revenue out of the gravel pits.

MR BECKETT: If the municipality could expropriate this property under the Act, could the municipality make money on it selling gravel?

MR SINKLER: I think they could, what would it cost to expropriate it? (chit chat re ponds formed etc)

MR SINGER: Does this land continue to be privately owned after it is depleted of the gravel-do they continue to pay taxes on it?

MR SINKLER: Well the most of those not being worked are owned by municipalities.

MR SINGER: They havent reverted for taxes, have they?(No no).....I'm sorry, of course they dont pay taxes.

MR SINKLER: The County of Middlesex owns several of them and they're just abandoned; they dont pay any taxes anyway.

MR ALLEN: The contractors are working on most of the others; they're not abandoned yet.

MR COWLING: Do they all fill up with water? (yes)
(chit chat re difference in pits)

MR SINKLER: The smartest contractor attempted to drain his area into the river; however he was stoppced on the basis that he was turning it into a municipal drain which his farm hadnt been assessed on because he wasnt in that water shed. Had he drained that, he would have drained all the wells in the police village of Komoke.

MR ALLEN: It's a big problem, Mr Chairman.

MR BECKETT: I think your biggest problem is to get revenue from it.

MR ALLEN: Yes to get revenue now. We dont want to stop the gravel going out; but we want to get revenue.

MR BECKETT: Yes, Harry, in other words take the revenue now; but what happens after the pits are depleted, let somebody else worry about it. (chit chat re protective fences) Do you feel, Mr Reeve, that all land should be assessed to pay taxes on it, no

matter who owns it?

MR SINKER: Municipalities too? (anybody) Well I wouldn't go that far?

MR THOMAS: How about the municipalities using the gravel in your area?

MR SINKER: We'd sooner go at it this way, by getting revenue as they go along.

MR BECKETT: But that's not licensing-that's straight business tax. You can make regulations under the Act now. You can make them put fences around, regulate how deep they go, how they leave it and all that. Now are there any other questions? Under the Terms of Reference of this Committee, which are very very wide, you're not limited to what you have suggested here. If you have any other problems....(Mrs Rowan reads Terms of Reference) Now that says the Municipal Act and all related Acts. Now have you any other matters that you would like to discuss, for example, planning from a county standpoint and assessing from a county standpoint, and joining up the Conservation Authority with county planning boards, school problems.

MR SINKER: School problems, in our township, we're still back in the horse and buggy days. We have the little red school-house yet.

MR BECKETT: They had good results though.

MR SINGER: How many school areas do you have in the township?

MR STEWART: We have 10.

MR SINGER: 10 separate boards running 10 separate schools? There's no desire of any of them to get together?

MR SINKER: Well there's not enough desire, but some.

MR BECKETT: Are your school taxes about 50%?

MR SINKER: Higher than that, I think; public school taxes are very low compared to the areas where they have same type of school board as the township. Our high school area taxes and mill rates are very high-over 20 mills for high schools, and we have an average of 9 or 10 mills for the public schools in the area.

MR BECKETT: We've had more than one Brief to the

effect that the county system of government is outmoded, back in the horse and buggy days; what do you think?

MR SINKLER: In some respects it may be; but as a county councillor, I'd hate to commit myself.

MR ALLEN: I think it needs some revision but I dont think we're ready to do away with it yet; do you?

MR BECKETT: I dont know but I was just thinking this though from a conservation standpoint, your conservation and your drainage takes in much larger area than a county unit; and should we have regional planning, and regional planning follow the water sheds?

MR SINKLER: Our township is in three river authorities; we're in the Thames and the Sydenham and the Aux Sables; so that takes our township into the three.

MR BECKETT: Then do you have representation in each one of those authorities? (yes)

MR EVANS: Mr Chairman, I'd like to go back to this school problem; Mr Stewart said the public school millrate was low and they still have the little red school house; and then he talks about a big high school with about 20 mills as against 9 mills. Do you think that if you had done away with the little red school house, that probably you'd be paying about twice as much for the cost of public school education?

MR STEWART: Well not knowing what difference there would be in grants, and that sort of thing, I couldnt say; but it seems to me they would be on the same basis approximately as they are now. The first thing we would have to do is build new schools, and it would be my opinion that our school rates- public school rates would double.

MR EVANS: And with your ten school boards, you can operate your public school system cheaper than you can do it with one board with one school?

MR STEWART: I'm quite sure of it; it has worked that way in the municipalities.

MR EVANS: And the cost goes up when you do away with the local school board and have that one board instead of 9 or 10.

MR STEWART: Of course you must understand that transportation enters into it...into the picture as soon as we have a central school board and that is nearly as expensive as operating schools. And what kept our township out of the central schools is the fact that we, out of necessity, built some new one-room schools, and they're still under debenture and a good many of the ratepayers are very reluctant to start into another venture while so much is under debenture.

MR ALLEN: But to show the other side of the picture, they do cost more but they get better teachers, and a better way of grading the pupils...

MR EVANS: Which offsets the higher costs.

MR ALLEN: You just get what you pay for, and it is so hard to get boarding places for school teachers; and with the demand for school teachers, they will not go out into one room schools.

MR SINGER: I gather, Gentlemen, that you're not very happy with the 10 school sections, but would prefer the one consolidated section.

MR SINKER: What I would prefer to see is two.
(chit chat re types of schools)

MR MCNILL: Do you think the school boards be -the area high school boards appointed or elected?

MR SINKER: I'm a little biased on that one because we had a man on our high school board as township representative who wouldn't consider running for office, and yet he did a wonderful job; you couldn't get him to run for office-he was the best. I still think it's a matter of choice that the council should be able to pick one or two men that will do a good job. That's the way we find it.

MR BECKETT: How about the council running it then?

MR SINKER: Personally I want to stay as far away from that as I can. (laughter)

MR BECKETT: Well Gentlemen, we certainly appreciate your coming, and I hope you will follow up that Pickering decision.

MR SINKER: On behalf of our township, I thank you very much for your hearing, Gentlemen.

MR BECKETT: Thank you for coming.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTIETH MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT

AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
AUGUST 29th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

MEMBERS:

Alfred H. Cowling
Arthur Evans
George T. Gordon
Ron K. McNeil
Donald H. Morrow
Vernon M. Singer
Thomas D. Thomas

APPEARANCE:

Miss True Davidson - Reeve
Miss D. M. Tucker - Township Clerk

PRESENTATION:

BRIEF - TOWNSHIP OF EAST YORK

TOWNSHIP OF EAST YORKHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Miss Davidson, I believe you know most of the Committee (introduces them) now you may proceed any way you wish.

MISS DAVIDSON: Thank you, Mr Chairman. In the first place, I want to apologize for the condition of this Brief; we have had a very busy summer in the Township of East York. We had the British Empire Games held there in which the Legislature very kindly assisted us; and there seems to have been a great many local things going on this summer. We are short staffed because we have an overcrowded building which is going to be increased in size and we will be able to have staff to take care of things like this. A number of small errors have crept in, and it occurred to me that before we come to consider this Brief, possibly you would like us to answer questions or introduce it in a general way. The contents that comprise the Brief on your subjects for study, we begin with references to the Metropolitan Act, the Planning Act, the Liquor License Act, the Assessment Act, the General Welfare Assistance and Allied Acts, the Municipal Act, and the Public Library Act. These are all Acts in which we have some suggestions of one kind or another which we want to present to you for consideration. Would you like me to read it? (yes) It begins with a general statement - (reads) "The Township of East York.....in the metropolitan council"

MR EVANS: How are you going to be able to govern?

MISS DAVIDSON: The answer to that is in the recommendations to the London Report, and there are other reports...to assign certain functions to the local government which are local in character; and you make sure your local municipality is large enough to do these efficiently; then matters which affect more than one municipality, are assigned to the regional government.

MR EVANS: There could be changes though from one year to another.

MISS DAVIDSON: Yes, there should be a flexibility about

it, we feel. What we would like to see is a pattern laid down; for instance, and this, I think, applies to county government too, and this has been discussed at the Ontario Municipal Association, as you may have noticed from the press...but we feel there should be, say, 40,000, 50,000, 100,000 laid down as your minimum for one representative on a metropolitan government; perhaps in the county government, the trend seems to be to organize a regional or these superior levels -of municipal government- to do planning of regional works on a larger area.

MR BECKETT: Would you then do away with the present municipal boundaries?

MISS DAVIDSON: We have cited some authorities and most of them suggest that you should keep to the original boundaries as far as you can, perhaps combining or breaking up, but maintaining community....relationships which have been established.

MR BECKETT: Not following Winnipeg, then? (no)

MR EVANS: They do that in drainage at the present time.

MISS DAVIDSON: Yes, but there are a number of different ways of setting up areas...I notice from your previous discussions, that you referred to the conservation areas and the planning areas; there are also school areas-different kinds of school areas. Perhaps if we worked towards a system of regional government, it might be possible to develop areas where all of these services...the boundaries might coincide.

MR BECKETT: For instance, you'd have regional planning, conservation, regional government, schools, everything...

MISS DAVIDSON: Yes. I think the county...the Warden's Association...I'm not sure...the County Councils Association-the OMA-were discussing this, studying this now, and have been for some years; And they are considering how county government can be revised to be a regional form- this is the trend.

MR SINGER: Do you think this is a good idea?

MISS DAVIDSON: Yes, I do.

MR SINGER: For Metro too?

MISS DAVIDSON: Well I consider Metro is a metropolitan county.

MR SINGER: Yes but within your region are you going to have your little tiny units too?

MISS DAVIDSON: I think we should set a minimum and a maximum size, then we should allow negotiation within the constituent areas, to try to reach this minimum size. One representative, say, for 40,000-two if you have 80,000 or more, and so on.

MR SINGER: I notice from your Brief, you refer to the discussions you have had with Leaside...you dont really expect Leaside to ever negotiate itself out of its present favourable position, do you?

MISS DAVIDSON: It seems to me we can all be reasonable, if matters are put to us in a reasonable way, and I hope...

MR SINGER: Well I hope your optimism is justified.

MISS DAVIDSON: Leaside would prefer, of course, to retain its present favoured position, but I think it would prefer amalgamation with East York or some part of North York, to being taken over in an entire amalgamated set-up. This is something that I think perhaps outsiders dont realize, that a lot of us genuinely believe that there is a value in local government that is small enough that we can know every ...

MR SINGER: As a resident...if I were a resident of Leaside, I would think it of great value to have a tax rate 20 mills lower than anybody else- I think that would be a great advantage; and I would want to very jealously guard that right, even though in the broad picture, it might not be good for the rest of Metro.

MISS DAVIDSON: I know. And this is true and this is, of course something you have to take into account in all planning. There are local selfishnesses of different kinds; but the only thing you can do is as you do with any other planning problem, try to gradually create a pattern or a frame in which the public spirited and far sighted thing can properly be done.

MR BECKETT: Well you have a health unit combined with

Leaside, havent you?

MISS DAVIDSON: Yes, and we do their dog control, or as much dog control as is done; we have worked with Leaside in many ways; and of course Leaside has all our Thornecliffe Park property. (continues, page 1, line 7) "It should set....of the Province."

MR SINGER: Now before you go on, I want to take you back to that part which says: "there should be no additions unless the need is proved beyond doubt." Beyond doubt to whom? To the people at the top or to the people at the bottom? Which way will this work?

MISS DAVIDSON: The theoretical disinterested rational observer.

MR SINGER: That's very fine-the reasonable man, where are you going to find him?

MISS DAVIDSON: Yourselves, Gentlemen. (laughter)

MR SINGER: From the top down.

MISS DAVIDSON: Well as our representatives, obviously we trust you; and the municipal government is the creation of the province, and therefore must expect that you and your advisors- the civil service staff, will take a broader view than perhaps we do ourselves.

MR BECKETT: Well we try to.

MISS DAVIDSON: I have some footnotes here and I could add more from the recent discussions of the Ontario Municipal Association. (Continues, page 3) "B. Historical Background - It would appear that.....any further annexation." In this we have examined some of the causes that some of the Reeves from the area councils have shown objections. We feel that the Toronto suburbs in their behaviour in the 45 or 50 years of this century, and there has been selfishness on both sides, each group considering what...some immediate pressure from some immediate group in its own community, and none of them considering what will be a good and desirable efficient flexible, permanent planning to the area as a whole. Nobody is thinking of this.

MR EVANS: Do you believe in local autonomy?

MISS DAVIDSON: Yes, I believe in local autonomy. I believe there are times when perhaps a higher level of government can see further than the local people. I believe that the metropolitan system was a good one although some of us were reluctant to accept it at the time. I felt that it was a good one at the time, of course I had done some work on the Civil Advisory Council, subcommittee; and I felt there were services that couldn't be provided at the local level.

MR BECKETT: Miss Davidson, there wasn't much spirit of cooperation during the 20's between the suburbs and the city either...

MISS DAVIDSON: Right, and that is what we are pointing out here that it was selfishness on all sides.

MR SINGER: Or even until the early '50s, as late as that, Eglinton Ave could be good and could be completed which was probably the first example of this.

MR BECKETT: I remember so well trying to get the subway under Victoria Park Avenue built under the CNR, and we had to go to the Supreme Court of Canada before we could get the City of Toronto to make their contribution.

MISS DAVIDSON: Well you see the city was starving the suburbs and the suburbs were strangling the city; and there was great mutual distrust. And this, I think, is rooted in the type of growth. Now in the next paragraph we point out (continues, page 3, para 2) "These differences... stealing our property."

MR EVANS: Isn't this where your local autonomy comes in?

MISS DAVIDSON: I think you can handle local autonomy without this sense of mutual ill will; even among nations, we're trying to develop a feeling of mutual trust-look at what they're trying to do in the European Common Market. And it seems to me there is a trend towards this. We are learning something from them.

MR EVANS: Well there are some municipalities we could do without, though and they could have less municipalities.

MISS DAVIDSON: Yes, I would think in metro, that....

I worked out a very ingenious instrument, Mr Chairman, back in January of this year, which would have enabled all the smaller municipalities to negotiate the terms on which they would join larger municipalities, and bring each larger municipality an extra representative, which would be very much to be desired, you see. It was based on the representation of the City of Toronto, which ran from 1 representative for 40,000 for the smallest ward in Toronto; then there are 3 wards over 80,000, and they get 2 because you can have the mayor and the two senior controllers there; so that between 40,000 and 80,000 you get 1 representative and if you go over 80,000 you get the second one; and I think that these small ones could negotiate their own terms, provided we say by such and such a year nobody gets a vote on Metro without, whatever figure you set, then they get another vote for the next, whatever figure you set, and another vote for the next. Now the block to this is the fact that this would give, and I'm really getting ahead of myself...you know get a woman talking...this would give the suburbs a larger representation than the City of Toronto; and there is a constant reference Mr Gardiner's remarks and through Mr Gallipole's remarks in the reports which I'm sure you have all seen, and it has even crept into the minutes of Metro Council itself in a report which was given by a committee of the whole that I chaired, and I swear, it wasn't what the committee was talking about, but this is the way it appeared in the minutes, that we discuss how to give representation by population and financial interest.

MR BECKETT: They're not to exceed though the City of Toronto.

MISS DAVIDSON: Well I'm saying that the City of Toronto lays its claim on financial interest, and not on population.

MR SINGER: They had to abandon that because their population had slipped in relation to the rest. It was not so long ago they talked about population too.

MR SINGER: I know; this was what was talked about

in the rotten boroughs in England in England before the reform days. These boroughs represented people who had financial interests, and who had enough financial interest, nominated people to the English parliament, now this was done away with, and I've never heard of it being used in any constitutional history of Canada; and I've never heard it used in political science that you should give representation by financial interest. This is my first experience with it.

MR SINGER: Surely, Miss Davidson, the whole experiment of Metro, was a series of compromises, that somehow emerged quite by accident by somebody, this magical form of balancing 12 and 12.

MISS DAVIDSON: It is one of the most sinister things but it's happened, and it has led to a false assumption that a city's interests are unified and the suburbs' interests are unified; now this is not true. There are many cases in which Leaside and East York would have more in common and with the East end of Toronto than we would with North York or Scarborough, and certainly with Etobicoke. This is nonsense; we don't break up on city-suburban lines...

MR SINGER: Except on things like water works.

MISS DAVIDSON: Even on that. (chit chat on water works)
(continues, page 3, para 2, line 3) "Municipalities are organized by a.....recreational associations."

MR EVANS: What percentage of voters voted in the last municipal election?

MISS DAVIDSON: It was not high, just under 40%.

MR SINGER: You had a pretty hot contest for reeve last year...

MISS DAVIDSON: Oh no, it wasn't really hot. (laughter)
It was a foregone conclusion. (laughter)

MR EVANS: What do you attribute the low percentage of people that vote though? For instance, coming from the country, we have between 70% and 80% voting. I'd like to hear your explanation.

MISS DAVIDSON: The apartment people don't vote by and large. I looked at the growing subdivisions in which the apartments are located, and there's actually a negligible vote in there. There

are a great many people who simply aren't well informed and don't bother to come out; and there isn't the campaign to bring them out like there is in a federal or a provincial election. The candidates don't have cars, and they don't have committees in East York; they don't have to bring out the vote. The work that is done in bring out the vote is done by these volunteer people.

MR BECKETT: Could you have a better day than...?

MISS DAVIDSON: Oh yes, Saturday would be better.

MR EVANS: Well that is the point that I'm getting at, Mr Chairman, that probably our day is the wrong day—that's the reason I mentioned it.

MR THOMAS: We have a very unique situation in Oshawa; we broadcast live the proceedings from the Council Chambers; and in the last election there were 55% voted; we find it stimulates interest in the proceedings of Council down there.

MISS DAVIDSON: Wasn't there a larger figure that voted last year...?

MISS TUCKER: Oshawa was the largest.

MISS DAVIDSON: Well the time before we had a very great contest on conservation—I don't know how many...it doesn't seem to be a personal thing.

MISS TUCKER: When you have a candidate running for the office of reeve, seems to make it more interesting.

MR BECKETT: Would another time of the year be better, such as May 1st?

MISS DAVIDSON: I think so; I think another time of year would be better.

MR EVANS: You don't agree with Mayor Whitton.

MISS DAVIDSON: I would hope not to agree with Mayor Whitton. (laughter) (chit chat re Mayor Whitton) Continues, (page 4, para 2, line 3.) "By 1950.....outweighed the gain."

MR BECKETT: The local police force...shifting them they wouldn't be under....

MR SINGER: They wouldn't be too locally oriented.

MISS DAVIDSON: Exactly. We only point this out....

MR SINGER: You have a former deputy chief from North York now?

MISS DAVIDSON: We have Inspector Greirson now. Now coming on now...(continues, page 4, last para) "We recognize that we are....the Metropolitan Council."

MR SINGER: Do you feel bound by the council or do you express your own views?

MISS DAVIDSON: I express my own views where I am dealing with a metropolitan matter; but I like to know my councils views also insofar as it is affecting East York.

MR SINGER: But you dont believe you're bound by your council? (no) This causes great debate in some local municipalities.

MISS DAVIDSON: No, no I've not found . any cases so far where we have been divergent....have there been any cases where we have been divergent in our views, Councillor Blair?

COUNCILLOR BLAIR: No, on any question of account, Miss Davidson usually sounds out council, following our regular meeting, and if there's a difference of opinion, the majority vote stands.

MISS DAVIDSON: It's always been a stand of allegiance. Now maybe this is because I'm difficult being a bull dog- East York- and people have referred to me, although not under those names- this specific name. (laughter) (continues, page 5, line 2) "Local ratepayer.....which was carried unanimously."

MR SINGER: This is still your view?

MISS DAVIDSON: There has been further consideration by council, but there has been no other position expressed at any time.

MR BECKETT: Did the matter come up in Metro Council?

MISS DAVIDSON: No, I wouldnt say so; it came up indirectly when the Town of Leaside tried to campaign against amalgamation, and there was some discussion of this at that time. There are cases where it comes up indirectly, but there has been no formal discussion....

MR BECKETT: And no vote?

MISS DAVIDSON: There was a vote last December.

MR SINGER: What's your opinion of the vote that the Toronto Board of Control is supposed to hold on their election, Are you in favour of amalgamation?

MISS DAVIDSON: I would say they showed great political sagacity in making this decision.

MR SINGER: There's two divergent editorials, one in the morning and one in one of the afternoon papers-the afternoon paper says it's a good thing, and the morning paper says it's a waste of time.

MR BECKETT: Don't you think it's a waste of time for one area municipality to take a vote; all area municipalities should vote, if you're going to have a vote on it. And if you want support on it, then it should carry on a vote over the whole area, and should carry by a majority of all the area municipalities as well.

MISS DAVIDSON: If the City of Toronto really wants amalgamation, the City should adopt an entirely different position; it should be kind to the suburbs. It should show itself friendly; you remember the wolf when he wanted to eat Red Riding Hood. He put on Grandma's night cap and he smiled and showed all his teeth. And he nearly made it. (chitchat re Hogtown) But the kind of shot gun marriage that you would produce by amalgamation, aside from the fact that it's completely impractical and the Mayor of Toronto knows this as well as anybody else. There are areas in North York and Scarborough where there wouldn't be really urban conditions for a decade or two decades; and even under Metro, the developers in North York, for example, hop, skip and jump-they develop where they can get the land economically, and they then demand sewers and water. And because it's in Metro, they get sewers and water; and we put in long trunk sewers, long trunk water mains through undeveloped areas where it is uneconomic to run. But we have to do it to provide these services which it is Metro's job to provide in this area. This is one of the reasons for the impasse that the TTC finds itself in- in an attempt to provide at least skeleton service through unused, undeveloped areas to developments. And they can't put the service on often

enough to mean anything -it's only a token service, and in order to do it they had to go out to the built up areas; the service in East York is only about half the service we had from the Hollinger Bus Lines. Several of the lines have been discontinued completely and the others run less frequently, so that, I would say, within two months of the time the TTC took over the Hollinger Bus Lines, the number of people transferring at Broadview and Danforth, and I use the bus lines exclusively myself, I would say that a half or a third of the people that made the transfer on the Hollinger Line....

MR BECKETT: They were under private industry.

MISS DAVIDSON: They were far better. But you see TTC has the monopoly....you can't...and they won't run anything less than a 50 -60 passenger bus. You could have much smaller buses; you could have jitneys-there are all sorts of experiments that could be done, but of course this is another subject again- the TTC. Perhaps Metro will do something about this. But this is what happens when you even put a metropolitan government in providing skeletal services. They have to be put in there where they are demanded in the metro area. Now if you amalgamated, you'd have to have libraries swimming pools and sidewalks, the garbage collected in all the metro area...all sorts of areas which in the ordinary course of events, they would have to wait until they're big enough to be an incorporated village, or until they were big enough to beurbanized enough to be annexed to Toronto. They would wait for decades before they had these services. But they demand them over night. This is why I say that amalgamation is completely impractical, and the top people in Toronto know this as well as anyone else.

MR COWLING: I think it should be pointed out, Mr Chairman, that in 1951, I was on the Board of Control in the City of Toronto, and the present Mayor was an alderman, and he was the only one that opposed the vote for amalgamation by the City of Toronto. His opinions may have changed since then, but the vote they propose now was the same vote that they proposed at that time. And I think it will be about as successful now as it was at that time. That's

my view.

MISS DAVIDSON: Even the metro council didnt plan, and Mr Gardiner brought four alternatives to metro council, and we turned them all down because we were unable to select one. You've got to have a general pattern which is adoptable; you've got to present one with an overall scheme, and you could possibly....

MR COWLING: I dont know why the Toronto Council keeps harping away with amalgamation, because....

MR BECKETT: I'll tell you very simply why, when they travel abroad, they want to say, we represent a million and a half people; and they've only a half a million.

MR EVANS: Dont you think they believe it's an advantage?

MR BECKETT: No. Prestige....

MR COWLING: No, no, I dont think it's to the advantage of Toronto to have amalgamation.

MISS DAVIDSON: It would be a terribly costly thing. I am convinced of that.

MR SINGER: Really the point of my original question was, do you think this is the sort of thing the voters can vote about or should they...

MISS DAVIDSON: They can vote certainly, but if this were to be done, the newspapers would have a field day. I dont know how we could have a discussion on fluoridation or amalgamation, and still have room for any foreign news at all. (laughter)

MR SINGER: The rest of the world would just have to wait.

MISS DAVIDSON: Yes. But what would it mean if they go for or against amalgamation; in my township, it would be whether they liked me or whether they liked the person...

MR COWLING: Well supposing they voted for amalgamation, that's not going to have effect on the other 12 municipalities.

MR SINGER: It doesnt prove anything.

MISS DAVIDSON: But it certainly doesnt prove that it's a considered, economic or wise policy in any case. It just proves that they've been sold by the papers.

MR COWLING: I'm not saying, Mr Chairman, that this may not come about at some future time; but certainly now it's not the time.

MR BECKETT: I don't think the metro system has been tried long enough.

MISS DAVIDSON: I think the metro system works well; in the two years I've been on that, I have learned more about the whole metropolitan area than I would have in ten years without it. And I have been working on parks, on the Park Committee, and I don't think of parks any longer in terms of East York; I think of parks in terms of the area; but I still want play grounds for the children in East York. We can think in too little an area-we are all Canadians...

MR EVANS: We think too small.

MISS DAVIDSON: We are all Canadian citizens; we are all British subjects and we have been accustomed to a dual citizenship. Why can't we be accustomed to a dual citizenship in our municipality too; I can even feel a pride in the core of Toronto. I would be as reluctant as anybody to see the core of Toronto allowed to decay, because here we have our cathedrals and our places of business....

MR BECKETT: Places of Justice...

MISS DAVIDSON: Yes, our places of justice- it's the core that makes the urban life possible, but that doesn't mean that I want my little township to lose its identity, because we have something we think is valuable too, which is a community basis we like, which gives us a sense of security and belonging that I think is missing a lot in the far more mobile civilization today, and we have it.

MR SINGLER: Quite apart from amalgamation, or no amalgamation, and I know you deal with this in another part of your Brief, isn't there a case to be made for the unification of certain of the services? Education costs for instance, the sharing of industrial assessment and....

MISS DAVIDSON: There's a theory in the minds of some people which accompanies our big big big philosophy of today, that the bigger you are the more economical you are; the more you spend,

the more you get.

MR SINGER: No, I'm not subscribing to that theory; I'm subscribing to a theory of equity, and the most startling example of this is Leaside paying 20 mills less than the rest of us. Now Leaside thrives because of its peculiar geographical location, and for no other reason.

MISS DAVIDSON: East York thrives in spite of its difficulties, you see.

MR SINGER: But the tax rate is 20 mills higher than Leaside.

MISS DAVIDSON: All right; this is why I feel you can take it that East York is not...and this is a point we stress, we have no particularly favourable tax structure; it's our community identity we want to preserve. We would be content to be joined with some other group provided it was not so large that a community identity could then be worked up. I think most of us would feel that perhaps a community could go up to 100,000 or 150,000 maybe, provided it could still have a community identity. But when you get up into your 600,000, well maybe they have their problems; they say they have and you have to take their word for it. But most people who are writing on the subject feel that 40,000 to 250,000 are the upper figures.

MR SINGER: I'm not talking about amalgamation; in my opinion, there are certain services at this time, that seem to me it would be better run and more fairly run if they were unified over the whole metropolitan area.

MR COWLING: Such as welfare?

MR SINGER: Welfare...the City of Toronto is taking a beating on welfare.

MISS DAVIDSON: Have you seen a report by Mr Smith of the Metropolitan Welfare- he opposed it- and this in spite of the fact that he might be attracted as an empire builder to welfare. I have some figures...it's too late to get them in here, as to the cost- I got them from the Smith Report- they're very costly..administration....

MR BECKETT: Let's have them.

MISS DAVIDSON: I haven't got them in this report but I have the Smith report with me...Mr Smith points out that the welfare costs will rise whether the welfare departments are amalgamated or not, but he says: "the type and quality of the system required in a smaller newer and more residential municipality is entirely different to that required in the City of Toronto. The City of Toronto furnishes substantially more services than any of the other municipalities in the metropolitan area." Just a moment, I'm not going to read it-I'm going to tell you what Goldberg and our Welfare Administrator said over at OMA. He said, look here, I have a chap who was getting \$255 in the City of Toronto on Welfare a month; he moved into East York, and he said I'm getting \$255, and Joe said-we'll see just what it is and he worked it out by the East York standards, and he was entitled to \$180, and the chap said: Oh well I might as well go to work.

MR SINGER: But you always get these kind of people; but surely you must agree with me that Toronto, because it's the core city, because it has the lower type of accommodation, it attracts people who have no money to pay for anything else; and that dollar for dollar, they are spending far more than East York or North York or Scarborough.

MISS DAVIDSON: Yes, I moved in metro in January that we consider the matters of housing, parking, welfare and education; those I thought were the four points that ought to be discussed. Now most of those have been discussed, and this welfare report is in part due to this; at any rate there are a lot of people asking for it.

MR SINGER: No I don't think that welfare as one item should be done there are several others.

MISS DAVIDSON: Well Toronto is concerned about its welfare costs. Now I can tell you that the public welfare officers of all the other...at least a number of other of the metro areas- those who are active in the Ontario Welfare Officers Association, consider that the City of Toronto is extravagant in its handling of welfare.

MR SINGER: That may be.

MISS DAVIDSON: The Board of Education feel that the City of Toronto is extravagant in its handling of education, and they all feel that all the costs would soar.

MR BECKETT: Miss Davidson, that resolution that came before the OMA about working for relief; was that finished in discussion or is it.....

MISS DAVIDSON: Yes, that has been referred to the incoming executive to discuss with the Cabinet, or I believe with the Prime Minister, but may I say something on this matter...it comes in later in my Brief. I have a suggestion in this regard. I'm a firm believer in working for relief along the lines the City of Kitchener suggested, but they killed the thing by their abusive language, I think, and their distrust.

MR SINGLER: Was Kitchener the one that sent them to jail?

MISS DAVIDSON: Yes and they made a number of comments that were ...they used afterwards in general comments that couldn't be accepted by a body like that. Now I could see working for welfare as an opportunity to give these people an opportunity to maintain their self respect, and to provide for the community services which otherwise it couldn't have. The resolution of the Township of Thorold was very carefully worded and came up last year and this year, and suggested that it provided assurance that they wouldn't replace any of the regular staff, and they would work, not for as many hours a week, but at the prevailing rates of pay. Now if you're going to pay a man the prevailing rate of pay, and by the way the prevailing rate of pay is only about \$90 for labouring; if you give him half time you give him \$45-this is not too different from what he gets on welfare, you provide a program which will make the community better, with services which couldn't be provided under any ordinary way.

MR BECKETT: Planting trees.

MISS DAVIDSON: Planting trees, cutting weeds, maybe shovelling snow for senior citizens-you have heart attacks every year from this-maybe providing a meal getting service for senior citizens. There are senior citizens who never have a hot meal; the

Social Planning Council has a number of recommendations for senior citizens and some of these could be implemented by half time workers; and they would feel that they were contributing to their community, it would be like the winter works program, except that it would be year round unemployment work's program, and there could be a tremendous work they could do; we could have surveys, if there were clerical workers that were available. There could be surveys of the needs of the community that could be done that we wouldn't...right now East York is trying awfully hard to get the full particulars about all our water and sewer connections. We'd like to get them in recorded form before our works superintendent retires; and it is just being done between times by people who are busy with other things.

MR THOMAS: Isnt there a bit of a snag there if the provincial government at the present time is paying a percentage of the cost of relief; if you put them on part time work, it would be a burden on the municipality, wouldn't it?

MISS DAVIDSON: This is why I say it should be regarded like the winter works program as a special program for the encouragement of...like the works program.

MR SINGER: We're really away from this question of sharing over the whole area...we had some people in from London a few days ago, who said they thought the bigger administrative area with more experienced people, could do it better; and they had several instances where individuals were drawing relief from three or four municipalities in the same area at the same time, where the local person just wasn't able to check up; they know everybody and this was discovered much to their chagrin. They were strongly in favour of having the bigger area with trained people administering.

MR BECKETT: And we've had just as many the other way too.

MISS DAVIDSON: I think there's an advantage in certain fields..there are certain places where trained people are required. I would think one would be child welfare and in this a larger area; but I would say in the straight relief, the welfare in the absence of employment, that the man who knows the area keeps pretty close

track of them.

MR SINGER: Again there is no equity in places like Leaside, Swansea and Forest Hill. They spend practically nothing.

MISS DAVIDSON: There's the case of the 350% increase in Leaside; it went up from 1 to 3 or something like this. Continues, Page 5, para 4,)"The East York Council.....will have passed."

MR SINGER: But aren't you being rather subjective?

MISS DAVIDSON: No, no.

MR SINGER: You're directing him to find reasons why (no) Well you are-you're not directing him to examine the whole problem.

MISS DAVIDSON: No, no we have given him a free hand; now let me see here...

MR SINGER: But you are seeking to-directing him to find lots of reasons why you should continue as you are.

MISS DAVIDSON: No, no...I won't deny that we sounded him out in what he thought before we...you know what he said...you know reeve, clerk and planning director were empowered to discuss the matter with Murray V. Jones and Associates...well we discussed to find out...as a matter of fact I knew he wasn't a believer...if I thought for a moment he was a believer in amalgamation, I would never have recommended him to the council naturally, but that doesn't mean that I am convinced that East York is the right size- he feels that 100,000 is a better size...70,000 is about the average for the City of Toronto, and I'm not sure...it's just about on the average for the City.

MR BECKETT: You mean for ward system?

MISS DAVIDSON: No. If you take the 12 representatives from the city of Toronto and divide them into the population, 600,000; it comes to 53,000 average, and we have 70,000. And the metro average is bigger because the top support for one representative is much higher and the bottom amount for 1 representative is much lower; but taking the metro population as a whole and there again he's got us close to the median; so that we feel that the study of East York...I shouldn't give this as a big amount of study...we haven't...

MR BECKETT: You've given him a free hand?

MISS DAVIDSON: Yes, we've given him a free hand. Everybody is doing something. The Lakeshore municipalities are trying to amalgamate themselves and they feel if they can amalgamate, they can survive. Leaside has put \$5,000 into a publicity campaign to try to make independent. The City of Toronto is talking about amalgamation. Now we believe in planning and we are attempting to make a study of this and try to have something...something we can get our teeth into, and even if it's not acceptable to others, at any rate, something that other people can discuss-it could be thought out a bit maybe.

MR EVANS: Maybe some good can come out of it.

MISS DAVIDSON: I would hope so. (continues, page 6, last para) "C. Defects of current suggestions-..... metropolitan set up." Now you can look at some of the rest...I dealt with education and I suggested something iconoclastic on the last....and here I haven't had a chance to discuss this with my council, but I think you can feel that most of what has been before is supported by council, although there is a difference of opinion in council although there hasn't been a difference in vote-there is one member of the council who does believe in amalgamation, although he's never voted for it. In the last sentence in the section on education, (reads) "There might even...to the taxpayers." I'd like to see a much closer liaison between school boards and councils than there is. Now I'll give an example, in the Township of East York, we have been under strong pressure to put a recreation area in the east end of the Township. Now we put a \$1½ million one in the west end of the Township, and it's very expensive to operate. And it has a number of small rooms in addition to the gymnasium and the swimming pool. We used to have meetings in the school class rooms, but now we have them in these small rooms. Now if instead of building another one in the east end, I'd like to see if this could be legally arranged, I'd like to see us put a school in that area, one of the schools has to have a 12-room addition before too long; I'd like to see us put in a swimming pool and a gymnasium, and I'd like to have some sort of a mutual arrangement...

MR SINGER: North York did it.

MISS DAVIDSON: I know. But I'd like to have a mutual arrangement for the maintenance of the playgrounds and have a joint playground and a park which we would maintain and where we could put up our baseball backstops and things like this. If the school has free use of the gym, I'd like to have free use of the classrooms for the sort of services that we now provide..of yes they would have use of the swimming pool....and

MR SINGLER: This can be worked out; this was the only basis on which we have swimming pools.

MR BECKETT: It could be worked out very simply, Miss Davidson, if you had a common council, and the council ran everything.

MISS DAVIDSON: This is the system in England.

MR BECKETT: Would you subscribe to that?

MISS DAVIDSON: I wouldnt dare. (laughter) I talked to a woman once who was on the education committee of the London County Council, a very distinguished woman, in spite of the fact that she was a Socialist...Mrs Margaret Pole, you know Mrs G.D.H. Pole; she was on the Education Committee of the London County Council, and I happened to sit next to her at a luncheon one day and she told me of the work they did, and she didnt feel it was degrading to be on the committee of the London County Council. And I would feel that that committee-that education committee-felt they had as free a hand and did as good a job as the school board. It's just a matter of the terminology, really.

MR BECKETT: Well what would think then of your planning board being a committee of council.

MISS DAVIDSON: Well of course in East York, our planning board and council work together anyway...everybody works together in East York.

MR THOMAS: I know they have very good cooperation.

MISS DAVIDSON: We have joint meetings with the planning board and council when there's any controversial matter that comes up. People come to the planning board about a parking area, and they're referred to the traffic committee of council which looks into it and reports back; then we have joint sittings and hearings on it. I think

that the whole thing ought to be very much more correlated than it is.

MR BECKETT: Does your planning board keep a separate bank account, pay their own salaries out of it.

MISS DAVIDSON: No, it doesn't even appoint the Planning Director; it appoints the Secretary-Treasurer of the Planning Board. The council has a planning person and he is loaned to the planning board who...it is very much more satisfactory because there's a constant flow of information back and forth. (continues, page 8) Well I won't deal with Welfare, except to say something about Parking and Transportation, and I would urge that if you're making any change in Metropolitan Act, that you consider making parking and transportation a responsibility of the Metropolitan Council.

MR BECKETT: I would just like to read this; the Legislature authorized Hamilton last year to abandon its board in connection of Public Parks, and they authorized this: "to pass a bylaw may appoint a committee composed of three members of council and four resident ratepayers.....to act as a committee of management for the administration of parks, recreational areas, community centres, and community recreational programs." What would you think of that?

MISS DAVIDSON: Now we have boards of management in our various buildings which operate under the agriculturalwhatever it is, and then we have a recreation committee which operates under the Board of Education Act, and we have a committee of council to which they are all supposed to be responsible; and our attempt is to coalesce these things. We've brought all the accounts under the one group this year.

MR BECKETT: Wouldn't that by committee be a better system? That you pass a bylaw and put them under one?

MISS DAVIDSON: Yes I think so, but....

MR SINGER: We had a man from Scarborough who pointed out there were 16 different Acts that govern this.

MISS DAVIDSON: Yes, this is true. And there are two Acts that are almost identical, one is in connection with memorials, they have the same sort of sentence but they're different Acts. But I would say you secure more efficiency, if you bring these as much



under the control of council as you can rather than spreading it outI dont want it to be thought that council is venial and corrupt and the people on commissions are honest and upright. (here here)

MR BECKETT: And the people who elect you, elect you to run the whole business.

MISS DAVIDSON: True. Well now to the Planning Act on page 9; this is the worst one of the whole thing-this is the one I wish I could do over for you; it's the most badly prepared. Mr Williams, our Planning Director was away when we were hatching it up. Now the Planning Act is bad, of course, but it's intentions are good. But we find it very inadequate because of (reads) "1. The intention of planning....well balanced development." The Brief referred to was prepared by a committee on which our Planning Director sat. He said roughly that in his opinion the Planning Board had power to do anything, but it had no power to enforce its decisions. They can plan anything but they cant in many cases make the plans stick. My feeling about it is that it tends to get too much into a research organization, which is forecasting the future, instead of trying to plan the future. Now when I plan my future, I dont say, well I'm a poor lone lorn woman, and therefore I will have to live in a rooming house for the rest of my life. I plan how I can have a home and be happy and comfortable; if it doesnt seem practical that this can happen, I still go ahead and plan it. And therefore I have a chance of achieving it. But if you just try to forecast the future, the probabilities, if you say well the cars can only reach a certain area, then we'll have to turn the whole core of Toronto into a parking area-well that's what will happen; and the heart of Toronto will become a parking area. I dont think planning boards should be forecasting organizations or polling organizations. They should try to express the aspirations of the community, and see how they can be realized. There is a difference between forecasting and realizing aspirations. There's nothing wrong with aspirations-it's the only way to get on.

MR EVANS: You can do a better job if you have the final say as far as your community is concerned.

MR SINGLER: Well you do have the final say.

MISS DAVIDSON: But it's hard to make things stick-little details; and enforcement is difficult because all the traditions of the law are on the side of the private developer. All of the body of statute law really is available to private developers who have skilled solicitors to evade your planning regulations.

MR BECKETT: You have an official plan (yes) so that your developer must stay within that land use plan that you have.

MISS DAVIDSON: Yes. Now let me give you an example, not from East York but from North York. A developer was advised that he could have a residential development on a certain piece of land, and that he wasnt to put any land over into the valley because this was to be a conservation reservoir; and he was not to do any alteration of levels there without consultation with the conservation authority. So he bulldozed the land, and he bulldozed it all down into the valley. And then he put in an application for the rezoning of the filled valley for residential purposes, because he said, this is not the place for a reservoir; this is level land.

MR BECKETT: Your conservation authorities havent much authority.

MISS DAVIDSON: Well I mean that land was zoned-these people came in for a zoning amendment...

MR BECKETT: Oh zoned by bylaw?

MISS DAVIDSON: Yes. And when their plan of subdivision was approved and placed on the basis they were not to any filling of this valley with out consultation with the conservation authorities.

MR SINGLER: Did he get away with it?

MISS DAVIDSON: Well I dont know. (chit chat re valley)
We had a case in East York-you may have heard of the Ghost Dept of East York- the Bayview Extension. The Bayview Extension was being built by Metro, and we finally discovered that there were bulldozers working on this property adjoining it, because a man was killed there. We were assured that they were only improving the appearance of the property-they had no building plans whatever. So we were content with this for a while until we found the trees were all going and leaving

a flat level plain and it's supposed to a conservation area. And we passed a by-law that there would be no changes of levels on properties of more than an acre. So they bulldozed up the whole area into areas, .99 and .98 acres and continued to level it out.

MR BECKETT: Who owned the land?

MISS DAVIDSON: Some company....our plan was in preparation, and this was under plan W413 of the Metro Conservation Authority...they hadn't broken the law in any way, but it is difficult for you to stop people. We just don't have the means to stop...

MR SINGER: They got a building permit, didn't they?

MISS DAVIDSON: We had no grounds for refusing them...

MR SINGER: There were no services available though. It seemed to me...

MR BECKETT: Why didn't the Conservation prosecute the man?

MISS DAVIDSON: Well they didn't have the money at the time. No that is why the building hasn't come on. East York Council dug in their heels and said: No, Sir. But that's an unpleasant way to do business...the Planning Board and the councils should have powers to say: Now look, this is to be this. This was really speculation.... it wouldn't be any hardship on them to hold that land, they bought it for \$40,000, and they sold it to Metro you see, they sold enough to Metro for the Bayview Extension and they made a profit of several hundred percent, no matter how or what they get....

MR BECKETT: But they haven't sold the land that has the apartments.

MISS DAVIDSON: No, that will be all gravy afterwards.
(chit chat re finances of this company)
But the council on planning should have the power to hold up a development until such time as they believe the time is ripe for themselves.

MR SINGER: But you did make it tough; you had the power to revoke a building permit, and if you had your official plan and your zoning....

MISS DAVIDSON: We were waiting for our official plan to be approved- that's another thing- if you could expedite- if you could think of some method of handling plans-ours has been 3 years

going through. (continues, page 9, 2) "The relations of planning boards.....such building or." This is what we think it should be; now it is..just a moment, let's see the Planning Act....here it is,

MR BECKETT: Subsection 7 (b) "within two years after the date of the passing of the by-law."

MISS DAVIDSON: Yes, and instead we suggest within two years after the date of the permit being issued. You see we had a case of change of zoning was passed in '54, and action was never taken under it, but because it had been passed it was mandatory to incorporate this in our new...there is no statute of limitations on any of this sort and we suggest that there should be

MR BECKETT: And this says "passing a bylaw!"

MISS DAVIDSON: Yes. It should be possible to prohibit alteration of levels. It's not only to prevent the destruction of conservation land, but to ...if companies want to have uneven levels to preserve the amenities of a high class residential district and they feel that some variety in the landscape is an improvement, then this...

MR SINGLER: Even if you have that power, it would be awfully hard to enforce. You'd have to have a pretty good survey of your whole municipality.

MISS DAVIDSON: Oh yes, oh but we say here "levels by more than a fixed height or angle and over more than a certain area." Minor changes of course are immaterial, but to take down a hill, for instance, to level a slope may have, not only bad effects on the amenities of the area, but it may also have bad effects on drainage, erosion.. there are all sorts of problems arising in the area.

MR BECKETT: Would a person then have to get a permit if he wanted to level his lot?

MISS DAVIDSON: If it was levelling more than a certain amount. Now I'm right on a corner and I'm 6 feet above the sidewalk. If I decided to level my property, it would have a very deleterious effect on the people behind me up the hill...and next block.

MR BECKETT: Nobody would ever buy a lot knowing this.

MISS DAVIDSON: Not ordinary leveling, but changing the

grades over the area-it would have to be designed by someone with technical knowledge. We should have more power over the appearance of buildings..now I know we have some...

MR SINGER: Surely you dont want architectural control.

MISS DAVIDSON: Yes.

MR SINGER: You want to sit on council and tell people what colour their houses should be, how many windows, whether a cathedral roof or a flat roof (no) You want to build monstrosities like University Ave.

MISS DAVIDSON: I want my planning director to be able to prevent people from putting a series of prison barracks like the architects did on O'Connor Drive. Have you ever driven up O'Connor Dr north of St Clair? Do you know those barracks?

MR BECKETT: They built them right out to the street line.

MISS DAVIDSON: Well even if those things were put back and had proper severances over sidewalk lines, they would still be....

MR SINGER: That you could have controlled as you knew under the Planning Act.

MR COWLING: Mr Chairman, maybe you know the City of Toronto proposed this same thing a couple of years ago, and it didnt get to first base.

MISS DAVIDSON: Yes, I realize that but my planning...

MR SINGER: Why cant I have a peak house is I want to.

MISS DAVIDSON: I am sure that any peak house that you would build would be beautiful and desirable (laughter) but my planning director advised me not to put this one- he said, slow on that because you'll bog down on that. (laughter) (chit chat) This was referred to developments control and this is tied in with the same thing really; because it's another approach to the same thing.

MR BECKETT: The development of what kind of land?

MISS DAVIDSON: Any kind of land- of course you can have your by-law, and we have subdivision control; but how you're going to control re-development and land that's already subdivided, that's

another thing.

MR BECKETT: Well what do you think of Metro Mayor's remarks on this at the recent convention?

MISS DAVIDSON: The land tax? Well anything the Chairman of Metro says is all right with me. (laughter) But there will be problems. Now we have-we have something down here under the Assessment Act-I have a suggestion that they ought to do something about speculation-to prevent speculation. Think of some method- you people are smart Parliamentarians- think of some method of preventing people from holding up vacant land for speculative purposes and thereby preventing the orderly development.....

MR BECKETT: Do what Pittsburg is doing- jack it up.

MISS DAVIDSON: Yes it would do that, but on the other hand, it would cut the feet right from under the tax base of the City of Homes...

MR BECKETT: They didnt find that in Pittsburg. They found that a hotel, a 22 storey building on the waterfront and a lot of office buildings. They assessed the land for a greater amount and only assessed the buildings for the improvements.

MISS DAVIDSON: Oh well it all depends on how high you raise your land values, and how you determine your fixed assessments on the buildings.

MR BECKETT: But if it was raised sufficiently high so that the chap doesnt hold it...

MR SINGER: There's a very good criticism in the OMA papers of this system.

MISS DAVIDSON: That is of the land tax system?

MR SINGER: Yes they argued equally strongly against it.

MISS DAVIDSON: Everybody else at the OMA was very much against this, but I think there are some elements that are good, and I'd like to see it extended;wouldnt it also deal with substandard... with slum conditions. This would also help in this area.

MR BECKETT: It certainly would; and it would also tend to stop some of this parking and you'd get buildings on the

land instead of parking lots, and this would help the TTC; those people would likely ride on the TTC.

MISS DAVIDSON: Well yes. ^{Site} Sight plan agreements are a form of development control also, although they're not mentioned.

MR BECKETT: But they want legalizing.

MISS DAVIDSON: Yes, we are operating under them.. well there are many things we're doing that are not legal...public consent is the great enforcer. This is a suggestion that came from a study by Milner on an Introduction on Zoning; he mentioned that in Manitoba they had certain minimum requirements per person in a house; we don't have that in Ontario; but one of the problems that is now facing the older areas is the influx of New Canadians who sometimes, because they are ambitious and they're going to put up with hardship for the time being, crowd into houses-maybe 15 in a house-that was only intended for 3 or 4. And it does have a bad effect on the neighbourhood, because if a house is overcrowded, it deteriorates and the grounds deteriorate and the area is affected. And we think it's below our health standards and our living standards and it would be good for these people to live in not such crowded circumstances; and therefore we suggest that there should be a minimum sq footage of house space per person.

MR BECKETT: We have had one or two Briefs that have suggested that that condition existed; and the man next store, he should be entitled to a lesser assessment.

MISS DAVIDSON: You don't want your assessments going down- sure maybe the man next door should have a lesser assessment; I say that's not a reason for lowering his assessment; that's a reason for preventing this overcrowding. Keep the standard up, and in the end these people who are trying to crowd in will be grateful. Now housing is not in such short supply as it was.

MR BECKETT: We had people here this morning who could tell us about that..how many did they say, Mrs Rowan?

MR SINGER: 3092 vacant houses.

MISS DAVIDSON: If you know how many vacant apartments there are, I think about half of them are in East York judging from

requests we've had for refunds on taxes.

MR BECKETT: Just while you're at that, we've had Briefs opposed to that principle of refund...

MISS DAVIDSON: Well we're opposed to it.

MR BECKETT: Is this part of your Brief?

MISS DAVIDSON: No, we haven't it in here, but this was submitted to the...it is in here? (yes)

MR SINGER: I think it is. We've had homeowners suggesting that if there are refunds for vacant apartments, there should be refunds for vacant houses.

MISS DAVIDSON: There are if they're rental houses; well you see it's illogical. It's a special concession that must have been made in order to encourage housing developments.

MR COWLING: Rental housing after the war.

MISS DAVIDSON: Now under the Liquor Licence Act, I think I can tell you in a few words what this is all about in a number of metropolitan municipalities. There are two ways you can look at a plebiscite under the Act; I presume that it is intended as a means of allowing the public to express their views; it's not intended as a method of preventing the public from expressing its views. It's not intended as making it a method so difficult to get any change that the people will be content without it. (permissive) It is permissive, but it's intended to allow the public to express their views freely. All right.

MR SINGER: That's the theory of 50 years ago.

MISS DAVIDSON: Well now if this is intended as such, and it is a matter of the Provincial Voters List, then we feel it is a matter of the province to conduct these plebiscites-if this is something for the voting public in general. If this is a matter for the ratepayers then it should be a matter for the municipality and it should be the municipal voters list that is used. Now if this is so, why should there be any difference between putting the liquor question on the ballot and putting Sunday sports or fluoridation of water- the same public should be able to vote on all of these. These are all matters which affect the life in your municipality.

MR SINGER: Why should it be a question to be submitted to a vote at all?

MISS DAVIDSON: Well if it is to be, it should be a vote...

MR SINGER: Not if it is to be, do you think it should be?

MISS DAVIDSON: Well...

MR COWLING: The council didnt decide that one.

MR BECKETT: (laughter)
We've had other Briefs along the same line and the Committee's going to consider that very point. You feel all the electors should vote?

MISS DAVIDSON: Yes. We dont think it's necessary for all the electors to vote; we think if the voters list of the community that is running the vote were used, and the question put on with the rest of the municipal questions, the township would save \$30,000 at least. Now we are in the position of having to spend \$30,000 on a vote, which we cant afford; or else saying to the people who want it.... now of course if they have a petition, it's mandatory. We have to hold it whether we want to or not. Now there wouldnt be any difficulty about collecting a petition. Why not have it on election day.

MR BECKETT: And let's be practical about it.

MR EVANS: I think the people should have the opportunity to vote on it, but this way it costs the municipalities so much money.

MR COWLING: As you know, Mr Chairman, we're getting a pretty uniform election day across the province anyway with all the municipalities and that would be the time to have it.

MISS DAVIDSON: Now under Assessment, there was a point raised at the OMA that wasnt raised here and that is...we feel it isnt necessary, but it was raised there, and the point is that they have to continue to provide the services to these places whether they are being used or not, and therefore the expense to the municipality goes on. We still have to keep the roads in repair; we have to keep the grass cut on the boulevards....

MR BECKETT: Of both houses and apartments?

MISS DAVIDSON: Yes and we have to maintain the services

which are available for the people when they do move in. We have to have the same proportion of parks and the same strength of transformers, hydro and....

MR THOMAS: And provide the police and fire protection.

MISS DAVIDSON: Yes. And we speak of some effort to discourage the holding of land for speculation, and perhaps some penalty on rented buildings from which a certain percentage of the value wasn't spent for maintenance of the building. This is a negative approach. The officers of the organization...Mr Allan says the single land tax is the approach to tax the land only and that would encourage people to get as much out of the land as possible by developing it as much as possible.

MR BECKETT: Pittsburgh doesn't do that; they assess the buildings too.

MISS DAVIDSON: Yes. Well then the next is General Welfare Assistance Act, and we speak of a resolution which we sent to the various bodies and there's a committee working on that now, but we mention that really for information, because there is no action called for yet. We have a paragraph on working for welfare and we reiterate our support for their stand, and the suggestions I made to you earlier about a general work planning program. You could turn vacant lots in the community into little parks for children. There are lots of communities in Metro and in other large cities where there is no place for children to play, and you could take these and put a person in there and clean them up and put a few students in and a sand box and see that the children didn't hurt themselves.

MR BECKETT: Miss Davidson, that's a suggestion for downtown Toronto.

MR COWLING: Well we have about all the suggestions we need from you suburbanites about downtown Toronto.

MISS DAVIDSON: We love Toronto and we're so proud of it that we want to see it...

MR COWLING: I'm including the chairman (laughter)

MR EVANS: Supposing they didn't want to work on

1931

that particular job and...

MISS DAVIDSON: You'd have to have a variety of jobs; and certainly if people cant do physical work...who are unsuited for physical work because of one factor or another....(chit chat re de
pression of 1920)
Well I hate to see people sitting at home...since I've been recve, I have had an eye-opener as to the type of people on welfare; it's just heartbreaking to see people that you know are...well they're down and out on their feet-they're not looking forward to anything; they're not trving any more. They're asking for all they can get and you cant blame them because this is the only way they see to advance themselves. I dont see any way of rehabilitating those people except by giving them something to do to give them a sense of pride in their community. I dont want to degrade them; I dont want work camps and send people to jail, but I cant afford in my community...I cant ask my council to spend another mill or two on top of the tax rate in order to do this work. We pay enough on welfare as it is with our own share. To assume the whole responsibility of wefare in order to give these people work is just something we cant do; but there are lots of things we can do to make it a little better if the government would regard it as a make work program and under completely different auspices than the tone of this Kitchener thing. Well then, under the Municipal Act, we have our request...this was already received some time ago I think, about termites and Dutch Elm disease. We feel that both of them are of epidemic proportions, and cant be dealt with by private home owners-must be dealt with on a larger basis, and we would like, although it's not spelled out...on the first one we say it should be put upon the taxes-this is the termites, because the people wont have any houses left if the government does not exterminate them-it's a kindness to them in the end. The Dutch Elm disease is a little more difficult and a little more doubtful in regard to the amenities to the whole community...

MR COWLING: Did you see the conservation report on the Dutch Elm disease (yes)

MR BECKETT: Perhaps as far as termites go, it might

come under the Board of Health.

MISS DAVIDSON: It's isn't strictly a matter of health, Mr Chairman, unless the house falls around their ears, but that would be unlikely. But if this had been taken firmly when it first appeared in the Metro politan area, it could have been eradicated. Now I don't believe you'll ever eradicate it now.

MR BECKETT: We're going to consider it.

MISS DAVIDSON: And there's the question of charging it back.

MR BECKETT: It's the question of going on private property; the assessors have the right and the Dept of Health.

MISS DAVIDSON: Well then, I have a suggestion here about ethics- I'm almost afraid to mention ethics.

MR BECKETT: We'd like to hear that. We had some gentlemen in here talking about ethics-we've had quite a few...

MISS DAVIDSON: Well it's awfully hard to talk about ethics without sounding sanctimonious, and I'm not sanctimonious or I wouldn't be talking about a liquor plebiscite, so please believe that this is something that I sincerely believe-this is my own idea entirely- I haven't blamed my council for it; they probably think I'm crazy just as you probably think I am. But I believe that most people mean well or they do at the start anyway, and the pressure of events sometimes, you're presented with a series of difficult choices. And you say to yourself: Well I've got to do this to stay here, and it's important I stay here because I know I am experienced, and so you convince yourself in order to make this compromise and that. It seems to me if we had something to remind us all the time of what we had undertaken to do when we go into public life, this would in many cases be very wholesome. We start our meetings with a prayer. Now I have a prayer here to start council meetings with.

MR BECKETT: Miss Davidson, this never occurred- you never heard anybody mention this in council back in the '20s.

MISS DAVIDSON: Well you kept them all straight.

MR BECKETT: No, no, but you say everybody is assumed to be honest, and that's the way they carried on back in the '20s;

what has happened?

MISS DAVIDSON: What has happened to radio and TV? What has happened to even the church sometimes-I think there's a tendency now to think that everything that is big and is rich is good; we are a materialistic civilization and we have to remind ourselves periodically that it is not the materialistic side...the pioneers were materialists, sure; they hewed this civilization out of the wilderness, but they were also God-fearing men and women. And I think it was that as much as their hard work- sure they wanted to have bigger and better farms and bigger and better homes; sure it's nice to have washing machines and vicuna coats...surely they're all good things; but what do you pay for them? And you have to keep reminding yourself... I have found...I'm a Methodist and I come from an old Methodist family and this is my personal experience. I have found certainly that public life is harder than other life; I get mad and I want to do this or the other thing, and so I have to keep reminding myself of this.

MR EVANS: Do you believe there is such a thing as right and wrong?

MISS DAVIDSON: Yes, and that I'm here to do a job for somebody else and not to consider my personal preferences.

MR EVANS: Don't you believe that the majority of elected people believe that?

MISS DAVIDSON: Yes, I do. And that is what I would like to remind them of. Now there's an act of dedication that the Association of Mayors and Municipalities uses to close their meetings; and this has been adopted by a number of councils to open their year. Now most councils open with a prayer of some kind and I have this prayer which is based on the oath of office which I think might remind us.

MR BECKETT: Miss Davidson, if they read the Ten Commandments. (chit chat)

MISS DAVIDSON: I don't think any of us are perfect but any laws of conflict of interest will never....can you see the spectacle of the Mayor of Toronto saying in the Metro Council, I can't vote on this because my wife has a share in the majority...on the other hand

suppose for example that I knew I could get the support of the whole three newspapers in Toronto in my political campaign if I voted a certain way. Now which is going to influence me more, the fact my wife has the share or the fact that the three newspapers in Toronto were going to support me if I voted a certain way? You can never pin it down by any conflict of interest that you can pick out by law.

MR BECKETT: Nor any laws on the statute books.

MISS DAVIDSON: No. The doctors have a code of ethics and lawyers have. (chatting) Well we have this supplementary bit, (reads, Planning Act, Addition) "In part 1, section 4.....could not be present." In large suburban communities, the head of the council has a great deal to do- communities that are large and complicated but dont have Boards of Control, the Mayor has a great many social engagements and a great many meetings.

MR BECKETT: When you go on this excursion next month will the council pass a resolution to nominate one to act in your stead.

MISS DAVIDSON: Yes, we have but this is different- this is a permanent delegate. I would say that mayors and reeves should be able to appoint an alternate just as Mr Saunders is my Vice-Chairman on council and will preside at a meeting if I'm not there within 30 minutes of the meeting.

MR COWLING: I think that's all right. I think you should be able to deputize someone at any time to represent you.

MR SINGLER: If you're absent at a meeting of the Library Board, there's no one to represent your township.

MR COWLING: I think this should apply right across the board. If the head cant make it, get somebody else.

MR BLAIR: In a town or a city, the membership on boards and commission is large, but in a small municipality if a member is away and the reeve's not there, then it's down to possibly three and there may be a major decision to be made.

MR COWLING: Let's make a note on that one.

MR BECKETT: Under Section 210, sub section (2)

"where the head of the council is absent from the municipality, or

absent through illness, the council may appoint one of its members to act in his place instead, and while so acting, such member has and may exercise all the right, power and authority as the head of the council.

MR SINGER: That's the head of the council, but when you look at the Library Act or the Planning Act, that section doesn't apply.

MISS DAVIDSON: This is what we suggest, and you want to be able if something suddenly turns up, now this is of course more noticeable...the mayor in an independent city has a lot more social engagements than the mayor of a township; and I notice the conflict with Metro. I have sometimes to ask my local planning board or my local library board to change their meeting date because of conflict with something in Metro that's called unexpectedly to which I feel I must go. And this is inconvenient for other people; and there could be one person on council-Mr Blair for instance has been a library board member, and it could be understood that Mr Blair would undertake the library board when I am unable to attend; and somebody else could supply on the planning board, and thus each member of council would supply for the head of council in an emergency.

MR BECKETT: I think that is excellent.

MR SINGER: That section applies only to the Municipal Act; it doesn't apply to any of the other Acts. The Planning Act says, "the head of council shall be ex officio member of the planning board-it doesn't say that anybody else shall be. And the Public Libraries Act, it says "the head of the council shall be ex officio...

MR COWLING: Well let's remove any doubt.

MISS DAVIDSON: I don't think what is wanted is to have the council elect someone anyway- to delegate somebody. If something comes up in an emergency, you get somebody to go in your place.

MR LVLINS: It makes good common sense.

MR BLAIR: Well just a minute, Mr Chairman, I would think it would be better for everybody if at the start of the year that one member of council be delegated as the alternate on the Library Board if the Reeve couldn't be there.

MISS DAVIDSON: That might be a good idea. But of course you have to have some freedom because if it comes as an emergency, they might want to send who could go. But some sound thing should be worked out. And they also suggest at the request of our Library board the Public Libraries Act be amended to permit the appointment of more than four members in addition to the reeve where such township has a stated number. Now it may be in a rural township that five members is big enough for the board; the library is small and they confine themselves to the distribution of books. The library in an urban township has all sorts of other activities. The lower the tax base the more is done by the board on a voluntary basis, and our board finds it is too small to function efficiently and the members who are active in the Ontario and Canadian Associations say that other boards have expressed the same feeling that they would like to have a larger membership. They would like to have permissive legislation-townships of a certain size, whatever minimum you think is suitable to have 7 or 9 members rather than 5. It's a more agreeable number. Well that's it.

MR BLACKETT: Well thank you very much.

MR THOMAS: Mr Chairman, before Miss Davidson goes, there's one question I'd like to ask; you've had a great deal of experience on the school board, what do you think about the suggestion that has been made to this Committee that the provincial government should assume the total cost of teachers salaries?

MISS DAVIDSON: I think teachers salaries are the major problem in school board operation because they are continuing to increase and there is no method of controlling it that I can see. But I see grave difficulties in the...well let me put it this way- if the province took over the payment of all teachers salaries, would they take over all the fringe benefits? (yes) Well the fringe benefits would be equal throughout the province, and you would not allow any school board to offer additional fringe benefits?

MR BLACKETT: All teachers get the same salary?

MR THOMAS: It would be uniform, wouldn't it? We

had the mayor of one of the towns-he was a high school teacher- he's favourable to this.

MISS DAVIDSON: Well it would help the situation in the smaller communities which now are very much underpaid. I should think the Township of Etobicoke, for instance, likes to be the top payer, and if it couldn't do it by fringe benefits etc, I think they would give extra leave of absence- sabbatical years- special courses. There's always a way to reward teachers if you want to. If you want to equalize education costs, I think the only way you can do it is by an equalized assessment to the properties and a payment of the full basic cost of education.

MR THOMAS: Isn't that the system that's operating in some of the western provinces? (yes) It's working very well?

MISS DAVIDSON: I believe it is. It is quite difficult to work out.

MR BECKETT: Mr Blair, have you anything further?

MR BLAIR: No, except I support the Reeve on the amalgamation business; I don't think there is any benefit to accrue to an area municipality by taking away the identity. Some might benefit in dollars and some lose. We're in the middle neither gain nor lose. As the Metro system goes on and a service can better be taken over by Metro, fine that would be it.

MISS DAVIDSON: May I add this-I think we had an expedition when Metro was set up- a magic formula. And they're searching for another magic formula and they don't work. Let me urge you to try to find a theoretical philosophical base in political science or social science for the size of community that you want. It may be that Scarborough and North York would be happier if they broke up into smaller municipalities. I can't conceive of a community the size of Scarborough being still one city if it becomes as intensively populated as the City of Toronto-I can't conceive of a rational organization of that sort. I can't conceive of other areas, Markham, King Vaughan- areas that are in the Metro Planning Act-that might want to form a closer affiliation than Toronto-Metro Toronto, I mean. Now

if you could form this base, it could be applied, if you wanted to divide the larger municipalities; or if you wanted to add a municipality. And if you wanted to add a municipality, you could set down the criterion on which they could be added and lay it down so that people would know what they had to work for. It might be difficult to do in the beginning, but in the end there would be more satisfaction. It's a hand to mouth existence now, planning.

MR BLAIR: One thing, Mr Chairman, when I came in I didn't know who the Members of the Committee were. I understand they all have municipal experience.

MR BECKETT: Yes, that is true; we have two ex-Wardens as a matter of fact. Miss Tucker, you have had municipal experience; is there anything you would like to add? (no) At a later date, maybe. Well Miss Davidson, we want to thank you very much.

MISS DAVIDSON: It was very kind of your Committee to give us this hearing. Thank you.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE THIRTY-FIRST MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

WEDNESDAY,
 SEPTEMBER 19th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

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MRS E. EATON

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APPEARANCE:

Bryson Comrie, C.A.
 Rev R.D. MacDonald
 D. Roy Kennedy, Q.C.
 J.L. Tron
 Rev J.V. Mills

PRESENTATION:

BRIEF - PUBLIC TRUSTEES' ASSOCIATION OF ONTARIO INC.

PUBLIC SCHOOL TRUSTEES' ASSOCIATION OF ONTARIO INC.HOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Comrie, will you introduce your delegation to the Committee.

MR COMRIE: Mr Chairman, Members of the Committee, I would like to first express the appreciation of myself and our representatives here today for the opportunity of being able to appear before the Select Committee on the Municipal Act and Related Acts, and to present to you a section of our Brief which we are most vitally interested in, and which, I am sure you will be interested in too. Before I proceed with our presentation, I would like to introduce to you myself-My name is Bryson Comrie from the City of Cornwall, Mr D. Roy Kennedy, City of Ottawa; Rev R.D. MacDonald from Tillsonburg; Mr Larry Tron, our President from Pembroke, and of course, our Executive Secretary, Rev J.V. Mills. On July 13, 1961, we wrote your Committee requesting the possibility of appearing before you, and presenting to you our presentation in respect to certain Sections of the related Acts which we felt were rather conflicting. As a result of that letter, we now appear before you today. I would like to have you turn to the Blue Brief dated 1961, page 16. The Sections of the related Acts we would like to draw your attention to are Sections 54 of the Separate Schools Act and Section 25 of the Assessment Act. May I just explain one item first in connection with the Brief, the Sections have been changed since the presentation of this Brief, so where you read Section 63, please change that to read Section 54. Now there are several changes in the numbers of the Act all the way through in this presentation up to page 19, and I think I would give you those as I go along where applicable. Section 54 of the Separate Schools Act is detailed for you on page 17 of the Brief and it reads the same today as it does in our Brief (reads) "The clerk of every..... of the disallowance." I would like you to note the line immediately following, where we have indicated that this Section is mandatory legislation. Now contradicting that or in confliction with that Section, we have a Section in the Assessment Act, Section 25, which assumes that Section 54 of the Sep

arate Schools Act is not being adhered to in all cases. And I believe that you are familiar with that-it reads as follows: (page 17, last para) "Where the index book..... such last mentioned column."

Then the provisions of Section 26 of the Assessment Act, the mandatory Section appear to be taken away, and I think this is to some extent, practiced in some instances. It is our representation that this Section of the Act seems to take away the right of an individual to choose which school system he wishes to support. There doesn't seem to be any doubt about it that if the assessor calls at the home of an individual, and the individual is not there, that he must go on to the next one and probably not recall again, and the chance is that in order to complete his work, he either takes the information of a neighbour, who may know the individual next to him, or he may know the individual himself, and place him on the appropriate rolls. This is not the choice of the ratepayer, at least until he receives his assessment notice; then the ratepayer may do something about it. I'd like to give you two good examples; one of them is from my own home town. We have two individuals, one man lives next door to me at 10 Bryden Ave and his name is Cadeau; and we have another family living across the street from us, and I think the number is 13 Bryden ave., and his name is Cadeau. The one who lives next door to me is English speaking, cannot speak French, and is Protestant. The one who is across the street from me is Roman Catholic, speaks French, cannot speak English. Now you can see the possibility that an assessor might have if he happens to be at both of these places on the same day, and there's nobody home. What is his choice? I might also say that in the City of Cornwall, where we have a predominant group of French people, in fact it is practically 50-50; we have a considerable number of Huguenot French, who are Protestant. Their name is French, and to all indications and on the surface, it appears that these people are Roman Catholic. Now by Section 26, the assessor may alter these people to separate school panel. They don't know it until they get their assessment notice. If they are tenants, invariably they never know it, because the assessment notice doesn't get to the tenant; it goes to the landlord. Likewise...

MR BECKETT: Are you sure now that the tenant doesn't get the notice?

MR COMRIE: They receive the assessment notice, but as a tenant, you know, you're not nearly as interested in it as you are as a landlord. Now, Section 28 of the Assessment Act, subsection (2) "where a ratepayer who was in the next preceding year assessed as a public school supporter, has been assessed as a separate supporter, or where a rate payer was in the next preceding year assessed as a separate school supporter, has been assessed as a public school supporter, it is the duty of the assessor to give in addition to all other notices, a written or printed notice to the ratepayer that the change has been made." I'm not so sure that's been carried out in all municipalities. I believe you will see the possibilities of harm, of people not living together in harmony when the assessor, unknowingly, may place a person on the wrong roll without having the opportunity of actually talking to him; and it's impossible to talk to every person every year in the city. We believe that Section 54 of the Separate Schools Act should be the Section by which the assessor should be guided. That is, the individual should make his intentions in writing to the assessor, and the same should be kept with the index book, to which the assessor may refer. Now this is reasonable and fair. I think also we have to presume that all ratepayers are public school supporters until such time as they relieve themselves of that benefit and wish to allocate themselves to the separate school panel.

MR BECKETT: That is the assumption?

MR COMRIE: That is the assumption, and we feel they should give notice to the assessor to indicate to the assessor that they wish to become separate school supporters. Now we haven't come here to complain without giving you some suggestions of a remedy. We feel that Section 26, the latter part of that Section of the Assessment Act could be deleted completely; in other words, the Section would stop at the words "separate school supporter", and the words, "or if the assessor knows personally any ratepayer to be a Roman Catholic, this shall be sufficient for placing him in the last mentioned

column" should be deleted. Likewise, we feel that the Section may be amended by the insertion, after the words, "Roman Catholic" and the words, "and a separate school supporter!" I think he should indicate himself to be a Roman Catholic and also that he wishes to support the separate schools. I don't think it is quite sufficient that he indicate himself to be a Roman Catholic.

MR BECKETT: It doesn't always follow, in your opinion that because he is a Roman Catholic that he is a separate school supporter?

MR COMRIE: Oh very definitely not. I have people approach me- I usually carry the appeals for the Public School Board in our city- and invariably we have people who are quite indignant that they have been placed on the separate school panel, and they are Roman Catholics; they just don't want to be on the separate school panel; they want to be public school supporters. There's no doubt about that. And whether they are the minority or the majority, I still think their interests should be looked after. They may be in the minority in many instances, but I still think they should be looked after. I believe what I have said is summed up on page 19, where we recommend, (reads, para 2) "We therefore recommend that the Assessment Act, 1960, chapter 23.....for public school purposes." In other words that presumption which I indicated that everybody is a public school supporter until such time as they actually withdraw in writing from that category.

MR BECKETT: Any comment from any Members of the Committee? You understand Mr Comrie, we've had this before, the same suggestion. (yes)

MR THOMAS: You say this Brief was presented to the Ex-Prime Minister and the Cabinet in 1961? (yes) What kind of a reception did you get?

MR COMRIE: I think we had a very good reception that day. There were three Members of the Cabinet present at the time, with Premier Frost.

MR THOMAS: Did it amount to anything then?

MR COMRIE: Well, Sir, I think if something had been

done about it we wouldnt be here today. (laughter and chit chat)

MR BECKETT: I'll tell you this, Mr Comrie, this Committee will take it into consideration.

MR COMRIE: I appreciate that very much Sir, because it has been a point of tension, and there is considerable disharmony within a community when these items arise.

MR SINGER: Have you discussed this with the Separate School Trustees' Association?

MR COMRIE: I might say I have discussed it numerous times with the Separate School Board in the City of Cornwall; they find the same difficulties.

MR SINGER: But there is a counterpart of your Association- the Separate School Trustees' Association (yes) And have the two bodies ever met together to discuss this?

MR COMRIE: Officially? (yes) No.

MR SINGER: Or even unofficially?

MR COMRIE: Unofficially, I'd say yes.

MR SINGER: And would you be prepared to say that the Separate School Trustees' Association share your views?

MR COMRIE: I think I'd let them express their own opinion, Sir; I dont want to express their opinion.

MR KENNEDY: Have the Separate School Association made any application to be heard? (no)

MR COMRIE: One other presentation which I might make deals with Section 47 of the Separate Schools Act reads as follows: "Every person paying rates, whether as owner or tenant, who by himself or his agent on or before the 15th day of July in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a separate school supporter of a school situate in the municipality, or in the municipality contiguous thereto, is exempt from payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land, or for the erection of buildings for public school purposes within the city, town, village or section in which he resides for the following year and every subsequent year thereafter, while he continues his support for the

separate school." I believe the date here doesn't seem too sensible. The date is July 15th. These things can always be changed anyway by the Court of Revision up till October 15th; with the suggestion that I would think the dates should be advanced, and probably have a little continuity between the Acts on closing dates when changes may be made, and not have three or four different dates during the year. I think if you cut it off at the date of the closing of the roll, September 30th, and then any changes by October 15th by Court of Appeal, would be a much more presentable way of having the Acts written together.

MR. BECKETT: Would that be more practical, Mr. Sloan?

MR. SLOAN: Yes, the trouble last year, they changed the Act...the Dept of Education changed the Act where a person who had been a public school supporter wished to revert to separate school, they changed the date of that too, but they didn't change the date of this. This is a relic of the old legislation where they used to assess and collect tax in the same year.

MR. COMRIE: That's right.

MR. BECKETT: That's why it has an early date. We'll make a note of that Mr. Comrie and make them both the same.

MR. COMRIE: Thank you. That's all I have to say on that particular Section. I might revert to the other one, and I think one of the strong points evidencing a required change in the Assessment Act, is the fact that so many appeals come before the Court of Revision for nothing more than a change of school support. I would say that in our own city, they're pretty near double all other appeals put together. Now this is time consuming for assessors who are very busy people on September 30th and October 15th to the year end. And it's busy for school boards, and assessment revision officers. I might be putting someone out of a job, in respect to assessment revision officers, but I still think that if this Section was changed, we would certainly cut down the amount of detailed checking, cross checking by both systems- both school systems- on the roll. It's very easy-it's right down the line; you follow the index book, that's it-no deviation. The other way, you've got all kinds of ideas, just as many ideas as there are people; and there will be just as many errors

as there are people who can think up ideas for getting around it.

MR BECKETT: Have you about the same number every year?

MR COMRIE: Oh yes, I think I had about 54 last year-54 appeals-that I took before the Court of Revision, and I usually have about that number in the City of Cornwall. The separate school board have about the same number in reverse.

MR MORROW: We have several hundred in Ottawa every year.

MR KENNEDY: In Toronto, they've got thousands.

MR MORROW: We've heard from the Toronto people on this matter.

MR BECKETT: Would any members of your delegation like to speak on this or other matters?

MR COMRIE: I was going to say, Mr Chairman, I have just about winded myself, and if anyone would like to add to my comments, I would be quite pleased if they would do so, Larry?

MR TRON: I think you have made our position very clear.

MR MORROW: Mr Kennedy, my old boss in Ottawa, was Chairman of the Ottawa Public School Board, and.... (jokes and laughter)

MR KENNEDY: I simply support what Mr Comrie has indicated that it has been a continuous state of confusion, and it could be resolved. There's this conflict here, as he has indicated. Every board...I'm thinking perhaps of the urban and suburban boards largely of course, where there is a great number of people. We have to engage revising officers to examine the rolls every year, and check out what the positions are. For example, at the opening of a fall term, a parent comes along to a school and wants to have children educated in the public schools; and they're questioned, of course, when their children come in: Who are you, where do you reside, are you a public school supporter? Yes. All right, your children will be admitted. Then the matter is referred to our revising officer, and he finds that Mr X is a separate school supporter; and it is referred back to him ...to the parent, and he says: I didnt know I was a separate school supporter. I believed I was a public school supporter. Well on the

assessment roll, it shows that you're a separate school supporter. And he says: I never told anybody to put me in the separate school panel. So it's got to be checked back and double checked, and then the man has to sign a notice of appeal, and it's brought back to the Court of Revision and the matter is restored to what that person wanted. And that's the situation that's continually revolving. And this is not only from the public school panel, but also from the separate school panel as well. They have revising officers in each of the systems who are examining the rolls and finding errors and trying to pick them up and get them corrected. And it seems that the matter could be clarified by some substantial and clear indication in the Acts under discussion. It's gone on and it's gone on, and representations have been made...you get a nice reception, of course, at the time we make the representation, and we are promised consideration, which is a parliamentary expression, I believe, (laughter) and then....

MR BECKETT: Mr Kennedy, we have to be polite.

MR KENNEDY: And then we are back again. (laughter)

MR BECKETT: Well this time might be different, Mr Kennedy.

MR KENNEDY: Well we've got a Special Committee examining, and we have high hopes that they will at least clarify the situation.

MR MILLS: Mr Chairman, I would like to reiterate what our President presented in our remarks today; and I'm thinking in cooperation of this Committee in this. We feel that nobody, no person should have the right to put anybody on any roll without that person's knowledge and consent.

MR BECKETT: And in writing?

MR MILLS: And in writing. I think that's fair all the way along. That's my only comment.

MR SLOAN: Well of course any assessor is a fool if he goes and puts any school support down without regard to the provisions of the Act. For example there's questionnaire forms at the back of the book, where the assessor makes three calls at a house or

the apartment, and he finds the people not at home, he sends one of these questionnaires; so I feel that any assessor who puts a person down as a public or separate school supporter on his own knowledge when he actually hasn't knowledge, or from some others in the house, is very foolish. I think in the majority of cities in Ontario, of course they do not keep the index book, and in the majority of towns. There are very few municipalities that are actually keeping it.

MR COMRIE: I might say, Sir, that in the City of Cornwall, they are keeping an index book; but that doesn't keep you up to date. There are new people coming in and people going out and people are changing from one school support to the other school support, because they either like the school or they want particular French studies or they want English only, or because it's a bilingual school and they want their children to go strictly to an English school.

MR SLOAN: They must make a declaration to change the school support, and the assessor in any municipality would keep that declaration; the Assessment Act states he has to keep the declaration of change of school support.

MR COMRIE: That's true; but the fact that people are coming in continually to a city, and we have a considerable influx of people from the Province of Quebec, that the index book is not kept up; the assessor doesn't get in touch with them or can't get in touch with them until it's too late.

MR COWLING: Do you ever get any children whose parents want...Protestant children from the public schools to attend the Roman Catholic separate schools?

MR COMRIE: I think I've had one request on that only that I can remember. This particular family came from the Province of Quebec, and they had been taught French in the elementary schools in Quebec; and when they came to the City of Cornwall, our elementary French education program wasn't developed to what it is today, the net result- they wanted their child, their youngest child starting in kindergarten to go to a French separate school to get that one year of French to start; and then they wanted to come back

to the public schools; that is the only one that I can remember- and it was unusual. We have industry in Cornwall, with head office in Montreal, and these people are shuffled back and forth just like plates are shuffled from the dinner table to the cupboard; the net result is this new group comes in and a new group goes out, and this occasionally happens. We're now tying in our French educational program in the elementary schools to accommodate these people and also to bring ourselves up to the bilingual standard we feel we should in a city of our size where there is a predominant number of French speaking people.

MR MORROW: We used to have that same situation in Ottawa, where they wanted to get English instruction, and used to pay their tuition rather than change the school support, for the one year.

MR COMRIE: Well I only remember one instance of that. But in the City of Cornwall, we have a considerable of people who are Jehovah's Witnesses, and these are mostly French speaking, as you go down the road...all the Malones, and there are Malones by the hundreds, you cant tell which one is a Jehovah Witness and which one is a Roman Catholic and which one might be Protestant. We have examples of Malones being all three and on bare necessity he hasnt got it on his rolls or in his index book, which one is which. And invariably if he is busy he'll just check them all off. And I've talked to the assessors in our city and they say it is impossible to contact all people, and they sometimes have to accept these from others...this information.

MR COWLING: Mr Chairman, probably in Cornwall you have about the most difficult situation in the whole Province.

MR COMRIE: No, Windsor is comparable to us; they have their problems with their large French speaking population too.

MR COWLING: Yes, but on account of you being so close to the Quebec border, there's a constant flow, back and forwards, which is not so in Windsor so much. Your situation is unique in that respect, I would say.

MR COMRIE: Not only that but the County of Glengarry

which is a Scotch settlement, is practically 85% French-80% French, I would say. (chit chat re Presbyterians)

MR COMRIE: I believe that is all our submission, Sir, and we thank you very much for listening to me.

MR TRON: Mr Chairman and Members of the Select Committee, I would like to express our appreciation and thank you very much for your kindness and courtesy that you have extended to us this morning in listening to our presentation. Thank you very much.

MR BECKETT: We appreciate very much your coming, and dont feel that you cant come back or send in any other suggestions that you may have. Thank you.

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PRESENTATION:

BRAEF - YORK TOWNSHIP CITIZENS COMMITTEE

YORK TOWNSHIP CITIZENS COMMITTEEHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Hatfield, would you like to come up here, please. You have just read your Brief to refresh our memory, because we had read it some time ago, so just carry on.

MR HATFIELD: Well these are suggested amendments and revisions to the Ontario Municipal Act that our Committee discussed and we respectfully request that you might consider this. (reads, line 1) "WHEREAS it is obvious....throughout Ontario." There havent been any changes in the Act since the dawn of the century and even earlier. (continues) "THEREFORE.....The York Township.....in a court of law." In York Township, we draw attention to the recommendations of Hon Judge Sweet that they be implemented by the Dept of Municipal Affairs. (continues, (2) "If any investigation.....of high rise apartments." (end of Brief) Well the comment I would like to make is that after the investigation had been conducted and Judge Sweet had rendered his judgment, the Minister of Municipal Affairs intimated, at least through the press, that he didnt feel there was any necessity to take any definite action, and so our committee came into being sometime after that, because it was felt that some action should be taken in view of the rather scathing comments made by the judge. We went to see the Minister, and we requested a setting of a board or committee that would have the power to hear complaints from tax paying groups, and would also have the authority to take action, and possibly to take punitive measures against anyone who could be found guilty of misconduct. The Minister said that he felt it would require a tremendous number of people to perform those duties, but we didnt think it was necessary to put in a policeman into every council; we didnt think conditions warranted anything like that; all we want is a committee, necessarily not large, that would have the authority to investigate where complaints are made; and it would go there and would be able to take the measures that I suggest. Now we particularly dont like the idea of having to pass judgment on my own neighbour. Some of the people

who were involved in the investigation were people that I knew personally, had known for many years, and we are no longer on speaking terms; but I didnt feel it was incumbent on me to have to pass judgment on them. I think it would have been much more appropriate, more satisfactory for all concerned, if some official body had taken action on the report. When no official action is taken, and when the matter is tossed to the ratepayers to sort out themselves, people have a tendency to take sides; quite a few people have a judicial mind, and so those who do take any action are being accused of interference, of having ulterior motives- all sorts of things like that are charged against them, and I doubt whether one percent of the tax payers actually read the judges report; it's a fairly lengthy one, and talking to my neighbours, I doubt whether very many actually read the report. They depended for their opinion on whoever they might be talking to; and as the people took sides in the issue, the whole didnt receive the study and consideration that it merited . So altogether, I feel the courts...I feel it is unsatisfactory. And then for some official body to fail to take action- I feel it should come from that source, because there are phases of human conduct, if someone commits an offence, maybe in two or three days they're on their way to jail, if they are found guilty. Whereas, well I dont think municipal government should be considered beyond the law. If the laws pertaining to municipal government havent been implemented for many many years, I think it is about time some consideration should be given to filling in any gaps, and bringing our affairs up to date, because the law as it presently is written, applied probably well to the horse and buggy days, but there are other considerations today...we must consider other matters now and I think it should be in the interests of all concerned. I believe that municipal government is a very important and necessary phase of government, and there are almost 1000 municipal bodies in Ontario, so I think that some serious consideration should be given to laws that might more adequately govern these legislative bodies.

MR COWLING:

Mr Chairman, I think Mr Hatfield should

know that in the years that I've been in the Legislature, we have had amendments to the Municipal Act at every Session. So that it just hasn't remained at it was 100 years ago; amendments are made constantly to the Municipal Act; did you know that?

MR HATFIELD: Well no, I wasn't aware of that. I can't explain it...but I was talking to one or two lawyers...

MR SINGER: But to be perfectly fair in that remark, there has been no basic re-thinking since the Act was passed 108 years ago.

MR COWLING: That's a political...

MR SINGER: That's not political; it's factual.

MR COWLING: You said that the Act should be brought up to date, and that no changes had been made in it; at least that's what I understood you to say.

MR HATFIELD: Well perhaps I inferred that; perhaps I did so because a Member of the Legislature that I know said that there hadn't been any really significant changes...

MR COWLING: Well now that's a different thing. I am saying that at every Session, we pass amendments to the Municipal Act.

MR THOMAS: The very appointment of this Committee is an admission that the Act should be revised.

MR SINGER: And the fact that we've been sitting here all summer, and the year before too.

MR COWLING: But he didn't know there were amendments to the Municipal Act and I'm telling him there is and have been for years.

MR HATFIELD: Well I'm no authority on the Act, and in fact some of our group said that in order to deal with it, you'd have to get a lawyer that was an authority on the Municipal Act; because it requires study.

MR BECKETT: Mr Hatfield, what did Judge Sweet recommend in connection with the comment you mentioned in your Brief?

MR HATFIELD: Well he did recommend, I think, some action against persons that were named before, but he left the imp-

ression, at least in my reading, that there were serious grounds for suspicion, and possibly the whole thing might be considered in a more serious vein.

MR BECKETT: But did he make any recommendations... as a matter of fact, this Committee hasnt seen his report...

MR EVANS: Did he recommend a penalty, such as you suggest here?

MR HATFIELD: He did, yes, but I'm sorry that I have not reviewed it-I have a copy but I havent looked at the copy for some considerable time-it's two years since the copy was made available to the members of our committee.

MR THOMAS: Mr Chairman, I think it's a very good Brief-well presented....

MR BECKETT: I was just wondering if the Judge in his report, made suggestions that the Act be amended following the line of the Brief which has been now submitted?

MR MANFREDO: Well, Mr Chairman, perhaps each Member of this Committee should receive a copy of that report, and a summary could be made by the Secretary. I think it is quite a lengthy report-it's 266 pages, and if I may be permitted to add to Mr Hatfield's comments, I believe the cost of the Sweet probe was in the neighbourhood of \$100,000, and that is quite an expense for the taxpayers of this province; therefore I dont think it should be left unnoticed, and I would strongly urge this Committee to act in a non partisan fashion, so that the people of this province can see that you are seriously concerned with certain violations that have occurred. Now we dont wish to condemn the entire municipal structure in this province; undoubtedly the majority of municipal councils are honest people; unfortunately, the few incidents which have occurred have cast suspicion on everybody, and as I said on the panel of the TV show last night, I think there's an erroneous impression abroad by the public that all politicians are crooked. Now if you want to dispel this impression, I think this Committee should unanimously or almost unanimously, if you can, come out with strong recommendations that the Act be amended so that penalties be included. Now it's just as if a drunken driver kills a child and the policeman

comes up and says: My, you're a bad fellow-you shouldnt do that; but he hasnt the power to arrest him-that's the same thing as the Municipal Act exists now; there are no penalties, no teeth to unseat anyone. Now I would just like to quote briefly from a letter that former Premier Leslie M. Frost sent to our then President, Mr Bert Robinson, on May 25th, 1960; I dont know if you have a copy of it.

MR BECKETT: Yes, we have a copy.

MR MANFREDO: However he stated here in the second last paragraph on page 1, (reads) "From the standpoint of your own Township, you and the electors have very definite rights and responsibilities, I should say, among the principal of which is that the electors generally must take a deep interest in municipal affairs in the Township. By their ballots the people; and only the people of the Township can elect those who are going to represent them. Please bear in mind that an election at the latest is only six months away". Now here's the important item which he said:- "There are certain other rights which run only to an elector of a Township, which includes the unseating of a member or members of the Council; in this, you should be guided by the advice of your solicitors". Therefore, former Premier Leslie Frost suggested that this committee consult their solicitors as to unseating the former Reeve of York Township. We did this, and our solicitor advised that under Section 56, we had the authority to go to court and unseat the Reeve and that's what we did. We followed Mr Frost's advice, went to court. The Master of the Supreme Court of Ontario, Mr Marius, ruled in our favour, and unseated the former Reeve. Therefore on a technicality, the former Reeve appealed, and we lost in court. Now you know the results of that. The Citizen's Committee was stuck with court costs of \$756. And we're not rich men; we had to dig down into our pockets and pay that. What if it was \$7000? That would mean we'd have to mortgage our homes-is that fair, Gentlemen? What's going to happen in the future if you dont amend the Municipal Act to put the onus on the Municipal Affairs Department to prosecute? Therefore no citizen in this province is going to dare even to think of going to court if he knows in advance that he is going to be stuck with the court costs. Now this is a serious matter. We're not asking

that this money be returned, although if somebody decides, we're not going to refuse it; however I say this, that it wasn't fair that we should be stuck with the court costs, and it isn't fair in future that any citizen be stuck. I suggest, Gentlemen, that since you are meeting in a serious fashion, that serious amendments be considered, and the chief ones are that teeth be put in and penalties be included. Now when we went to see Mr Warrender, the former Minister, and we submitted a Brief on October 31st, 1960, headed by the late Reeve, Fred Taylor, Mr Warrender told the delegation that he was in favour of a code of ethics. Now nothing has been done about that--there's been a lot of discussion, and it has been stated by the present Minister that you can't legislate morality; well I beg to differ. I mean you have laws in the book against murder, rape, arson, theft, burglary, drunken driving; why can't you have laws against municipal corruption? I say that this province took the lead in Canada, perhaps in North America, in regard to Fair Employment Practices, and everybody is proud of that. I say that this province should take the lead again in regard to municipal corruption and conflict of interest. Let us put definite legislation on the books, so that every citizen, regardless of politics, in this province can point the finger and say he is proud of the government of this province which is taking definite measures to deter corruption. It's OK to say, well it's up to the individual to be honest. But when there are temptations put in councillors way, there are certain weak people who are going to take that temptation. But if there's a law on the books, he won't take that temptation, if he knows he may go to jail or be fined; So that is my suggestion. Now the other matter which I wish to bring up is about the Ontario Municipal Board.

MR BECKETT: Before you leave that--you made the remark at the beginning about a policeman in a drunk driving situation; (misunderstanding of this example discussed and cleared up)

MR MANFREDO: That is what I am suggesting that there should be teeth put into the Municipal Act to prevent any Councillor in future from even thinking of acting in a corrupt manner.

MR BECKETT: Just while you're at that, the fact that

in capital murder, if convicted, you'll be hanged for it. But it doesn't stop it.

MR MANFREDO: Well if there was no law against capital murder, I'm sure there'd be a lot more murders going on.

MR EVANS: I was just wondering, Mr Chairman, if any of these gentlemen have ever sat on Council-been a member of any municipal council?

MR MANFREDO: No, we haven't had the opportunity.

MR THOMAS: Mr Chairman, the argument used by the Premier was that the electors would catch up; but most councils are elected for a two-year term; and the conflict of interest could take place on the first week of January and it could be a year and eleven months before the electors could catch up with him.

MR MANFREDO: That's true and a lot of voters have short memories; they would have forgotten by then.

MR MORROW: The suggestion of a code of ethics, Mr Chairman, the Dept of Municipal Affairs prepared a booklet last year-a code of ethics...

MR SINGER: It's not a code of ethics at all; it's a summary of the various Sections which...

MR COWLING: It's a guide for new councillors.

MR SINGER:extracts from certain pertinent legislation..... it's no code of ethics.

MR BECKETT: But it's a guide. But getting back to that point, but do you feel that if that faced anybody who ran for a political office, if he knew there was going to be a severe penalty, that that would cure the situation? It doesn't with other...

MR MANFREDO: No. Well true, you can't say it will be a cure-all; but I submit, Mr Chairman, it would certainly deter anybody from thinking of acting corruptly. Now if a councillor knows that there's no penalty and he can get away with it, he can't even be unseated, unless the citizen goes to court, well he can act the way he wants.

MR BELISLE: But not from thinking.

MR MANFREDO: Well then from acting, let's say.

MR BELISLE: Thinking and acting are different things.

MR MANFREDO: That's right; but if you went into someone's house and stole money, and you knew you could go to jail, you wouldn't do it; but if you....

MR BELISLE: Banks are being robbed every day, and they go to jail; but still people are thinking about it.

MR BECKETT: It doesn't stop them.

MR MANFREDO: But you don't suggest that we should abolish the laws against theft; if there were no law against theft, there'd be a lot more burglaries going on and a lot more murders.

MR BECKETT: We don't know that.

MR MANFREDO: Well I am just saying there is sufficient evidence available from York Township and other places-it has been extremely difficult...let us put it that way...it is extremely difficult to unseat anyone who has been guilty of municipal corruption. Now Judge Sweet makes certain recommendations; not one person has been sent to jail yet...a certain trial, I'm not going to mention any names because it's before the court-it's been before the courts two and three years, and in the meantime one of the witnesses has died...I mean it's been dragged out. Somebody can say, well this seems to give the impression that it isn't a serious intention in the Municipal Act to deter it-that's what I'm trying to point out. If there were definite teeth right away, then it could have been dealt with instead of having even Judge Sweet going to the Royal Commission. I mean the Attorney-General could have issued a writ immediately, and arrested certain people instead of having a Royal Commission.

MR BECKETT: Judge Sweet only dealt with the local situation, is that correct?

MR MANFREDO: That's right-York Township.

MR BECKETT: He didn't deal generally with the....

MR MANFREDO: I don't think he was empowered...that he had the power to deal with the overall problem.

MR BECKETT: Did he make any remarks then?

MR MANFREDO: He made one remark which bears in my mind, this was in regard to certain land irregularities where permits for duplexes were later made into triplexes illegally; and he said:-

political expediency does not countenance illegality. And he said illegality is an evil that should be irradiated; what he perhaps meant was, the triplexes were passed by the council perhaps for various reasons-perhaps for political expediency, but that doesn't mean that you condone illegality.

MR BECKETT: I think we should get copies of his report and see what kind of language he did use.

MR THOMAS: Well Mr Chairman, in one part of the Brief it says "elected or appointed"...I'm not quite so sure of the appointed feature of it; after all, shouldn't it be the prerogative of the local council to take action against an appointed official... elected, I go along with that, but appointed...

MR HATFIELD: Well in the case of the death of a councillor, the council have authority to appoint someone; that person would be in the same position as an elected person, I suppose.

MR BECKETT: That's what you mean by that.

MR MANFREDO: Yes, an appointed member of council appointed to fill a vacancy created by death or resignation.

MR COWLING: You're not talking about the City Clerk or the City Treasurer or the Assessor. (no)

MR EVANS: What about an appointed trustee?

MR MANFREDO: Well school trustee I guess would be the same. There were instances in Ottawa where two school trustees, including the Chairman of the Ottawa Board of Education were forced to resign because of...they were selling land and making a profit, if you recall. If there are no laws, I guess the Board of Education members can be equally prone to act in this fashion as well. Now the other point about the Municipal Board I wish to bring out. The Municipal Board meets in the afternoon...

MR BECKETT: Morning and afternoon.

MR MANFREDO: Yes, morning and afternoon. Now the average ratepayer who may be working in a factory or somewhere can't take the day off without the loss of pay to go to oppose, say a high rise apartment in his neighbourhood. Now why can't the Municipal Board meet in the evening, when the ratepayers will have the opportunity

to come and give their opposition. Now it may well be that a lot of cases, the potential opposition isnt there because the people couldnt get away.

MR SINGER: It's amazing how many ratepayers can arrive in the afternoon.

MR MANFREDO: Well perhaps the housewives can.

MR THOMAS: Most councils meet in the evening now.

MR MANFREDO: Councils, yes. Now for instance in York Township, there were two sections, Raglan Ave which is a beautiful residential area where the Municipal Board recently approved high rise apartments, and even John Robinette couldnt win the point-he appeared for the ratepayers. And Jane Street is coming up; but it seems no residential area in the province is free from encroachment....

MR SINGER: I go along with much of what you said in the first part of this, but surely the elected council and the planning board are entitled to give their opinion and make their decisions; and there's an appeal to the Municipal Board, and the Municipal Board agrees or disagrees-this is part of how you determine things.

MR BECKETT: Well, Mr Singer, apart from the appeal, too, there's the regular provisions-it must be approved by the Municipal Board.

MR SINGER: You cant just suggest that the Municipal Board should take stronger action to protect residential areas from the encroachment of high rise apartments. They havent anything to do with it-it's the council and the planning board. They dont initiate these things.

MR NOBLEMAN: Well it was one of the reasons for Judge Sweet's...

MR SINGLER: No. What Judge Sweet was complaining about in his report was that it was done contrary to the law, and this is what you're talking about in those four points, but a blanket recommendation that there be stronger protection of residential areas from the encroachment of high rise apartments doesnt make any sense to me.

MR COVLING: For the simple reason that the Ontario Municipal Board hasnt anything to do with it. The local council and

planning board make recommendations and the ratepayers object if they wish, and the Ontario Municipal Board sits there in judgment on it. But they cant do anything about high rise apartments; they couldnt care less.

MR SINGER: My experience which runs over a substantial number of years, there has rarely been a re-zoning where there havent been some people objecting. Are you suggesting that if there is one objection, there shouldnt be a re-zoning.

MR NOBLEMAN: No, perhaps we didnt put it in here-I was particularly concerned with York Township-perhaps that should have been added.

MR SINGER: York Township isnt any different from any other municipality really, their applications for re-zoning, their arguments backwards and forwards, and the elected people have the responsibility to decide which arguments they are going to accept.

MR BECKETT: And in most cases..I guess in all your cases in York Township, the officials appear before the Ontario Municipal Board, and they for the most part manage to protect the ratepayer.

MR THOMAS: Well even then, they may be there to present the case, and there might be some persons objecting to it but it wouldnt be convenient for them during the day to appear.

MR COWLING: Well that's the thing I was going to say, Mr Chairman, the night sessions, I think there's some merit in that. I know in my own territory there...business men, local business men, it just isnt convenient for them in some cases to walk away and leave his business stand while he attends the Municipal Board. I think that some consideration could be given to some night sessions where they felt it would assist the local people to make representation.

MR NOBLEMAN: That was the chief reason for this point. That is all, Gentlemen and thank you for your courtesy.

MR BECKETT: Would any of you gentlemen like to add something further?

MR STALLARD: I am a member of York Township Council and Deputy-Reeve of Ward One, and I have a few comments I'd like to

say, the facts as I know them in council. These gentlemen are here giving them as they know them as citizens.

MR BECKETT: You might tell the Committee how long you've been on council.

MR STOLLARD: I've been on council only one term-and my term ends in December-that's nearly two years; and I was elected on the endorsement of the Ratepayers Association known as the Human Ratepayers Association, who made the headlines in the judicial inquiry by Judge Sweet; and as a consequence of that, I ran because I wished to serve the community. I'll only be there this term-I'll not be running again next year...so this comment I have I would like to be considered more as a citizen on council for a short term. (chit chat re term) but that doesn't mean that I won't be working in the ratepayers association after my term is over.

MR BECKETT: Mr Stollard would you go so far as to recommend that everybody should serve sometime on some board?

MR STOLLARD: The fundamental need is that more people take more interest. I agree with Mr Frost, although I'm not a Conservative, that the public needs to do it; but I believe from my own experience in all this kind of thing that there isn't the facilities for the people to get the information they need to know so they can be interested. Now I'm on the inside, but I've been on the outside for years. I'd like to point out too, that I appeared before a Select Committee under Mr Alf Cowling for the Ratepayers Association, and made recommendations at that time, and I understand that Select Committee never reported.

MR BECKETT: Well I might explain to you that this is the first time there has been a Select Committee appointed to deal with the Municipal Act and related Acts. It was a Committee under Mr Cowling dealing with the same matter, but it wasn't a Select Committee of the Legislature. This is a non partisan Committee.

MR COWLING: The Committee that I am still the Chairman of, is called the Municipal Advisory Committee, and we advised the Minister and made recommendations to the Minister of Municipal Affairs, as you know, Mr Chairman, and then he acts on them as he sees

fit.

MR THOMAS: Is that a non partisan Committee too?

MR COWLING: Oh yes, very non partisan. So that those things you brought up at that time, Mr Stollard, did receive consideration and recommendations went forward to the Minister.

MR STOLLARD: Well speaking on that one thing, I think there was new legislation came through recently that certain information must be made available to the electors. Now it's my opinion as a councillor, that it's so vague and so...well minute in the amount of information given out, the ratepayers work under a terrible handicap to get the information they need to know. I tried to get information from the Township prior to my membership on council, and found it excessively difficult to get the information. And since I've been on council, I've been appointed the member of council to see that certain information got out to the rate payers association, and I have every expectation when I'm no longer on council, the information will no longer get to them; that's the situation as I see it.

MR BECKETT: For your information, Mr Stollard, the Members of this Committee all have had municipal experience, so we're in the position like you are.

MR STOLLARD: Well maybe so; I appreciate most of them have and I think that is the only way they should be on it. I'd like to... a comment was made there have been revisions made to the Municipal Act-I'd like to point this out because it has been said that the Municipal Act is archaic and it hasn't been kept up to date; and it has been suggested that it be revised from time to time. The most pointed thing I could think of to bring this to your attention, how it may not be satisfactory is the fact that quite recently our municipality was thinking of having a Board of Control; and when they were concerned about the money involved as to how much was to be paid to the various Board of Control members, we found out it was possible...it was the rueful understanding of our members of council that they wouldn't get any more than \$3500 a year if they happened to be on the Board of Control; after investigation it was found that it was possible to get \$3500 plus the normal councillor's fee of \$3000. Now our solicitor advised us that in his opinion this Act wasn't intended to be this way

but because revisions had gone on over a period of time, they didnt mesh, and as a consequence this situation could develop. We decided not to elect a Board of Control but I understand that Etobicoke is to have one and they were talking in the same terms we were; in other words the Board of Control will get \$3500 and another \$3000 because they're on council-this kind of thing. Now this is an example why, in my opinion, you people have a big job to do because there are many features of the Municipal Act that are not satisfactory to the members of council. The other point I'd like to make is the unseating of a member of council. Now I was originally a member of the York Township Citizen's Committee and as a member I went to infinite trouble, because I was greatly concerned, and I talked to many persons; I talked with a person in the Dept of Municipal Affairs and asked him to advise us, although he was not in a position to advise us in writing. He said there were ample clauses in the Act, and a directive even, and I talked Mr Borovoy after that, and we were advised that we had every reason to take action under the Act with satisfactory results; now as these gentlemen have told you the results were not satisfactory-it did not do the job. And I'd like to say further that in my own personal investigation and with another gentleman, a lawyer from our Human Rate-payers Association, we went on the chance of finding out as much more as we could and we talked with a solicitor there in the Township, and he convinced myself-I'm not sure how well he convinced the young lawyer- he convinced myself that there was no doubt that the situation had been flagrantly carried on by the previous Reeve without any intention of trying to comply with the law. He knew very well what the situation was he was involved in. So I am of the opinion that the Act, as it covers penalties and so on for unseating members is not satisfactory. When I go back to being a citizen next year, I wont be at all satisfied if something isnt done to change the Act in such a way as to have better control in the future.

MR BECKETT: If the penalties had been there, you dont think that would have happened in York Township?

MR STOLIARD: Now in this particular case, I'm speak-

ing of which involved sites, the individual concerned was advised by the lawyer under no circumstances could he purchase land, directly, indirectly or through a third party. Now this is the advice that the young lawyer, myself and the Human Ratepayers Association were given by the township solicitor; so I speak for myself, I'm thoroughly satisfied myself that the situation was such that he knew he shouldnt have been doing that.

MR HATFIELD: And he did that in spite of the advice of the township solicitor.

MR NOBLEMAN: And he still owns the land.

MR STOLLARD: And I'd like to point out this, Gentlemen, in regard to Judge Sweet's report, this cost the township some \$39,000 or \$35,000, I cant say exactly; and you'd expect that that report would be received by the municipality and possibly recommended to you. But I dont think you have anything before you at this time in regard to that report; as I understand it, the report has simply been filed and forgotten. Now you might say, why dont I as a councillor bring the matter before the council to have it discussed. I will do it; I intend to do so. There is a situation on council where I dont believe I will get very much consideration, but I will try anyway. There were other situations; according to Mr Frost, the members and the electors should clean out what they considered not satisfactory situations. Well even if they gave them a lot of press, as we got at that time, I'm afraid in my opinion it wasnt as satisfactory a job as I would like to see done. There were other factors came up that I was involved in myself. For example, I went before the Municipal Board opposing the triplexes the legalization of the triplexes, and I got before the Board, speaking as a citizen and as a member of council, I was asked whether the present council had discussed the matter and took a vote on it. The previous council had. Well I told them no; so the Board decided they wouldnt consider the matter further, but decided rather that they would refer it back to York Township for further consideration. In other words they didnt want to act on the matter while the present elected York Township council had not decided on the matter. Now as far as

penalties are concerned, I'm afraid I agree with Mr Nobloman here that we have to have some kind of penalties to make these people aware of the situation. Now there's another angle to this that hasn't been brought up in regard to conflict of interests. For instance, there are members of council who are very conscientious about what they do, and how they do it. And they feel there are certain things that are conflict of interests that may not be. For instance, there is a high rise apartment project being built on Jane St; one of our members of council feels that he should not in any way, shape or form discuss the matter or vote on the matter in regard to this particular project, because he feels he is too close to it. It will improve his business or affect his business. Now as in this case, when they don't define what a conflict of interest is with some detail, some categories, a man on council could actually fail to represent the people on council.

MR BECKETT: You don't think he should be on council?

MR STOLLARD: No, I think there should be some ruling on this; after there must be a father over a family and that is what the Municipal Board is in regard to the municipal councils.

MR COWLING: You don't mean to say that you would expect the Government of Ontario to tell municipal councillors how he should vote on a matter?

MR STOLLARD: No, but I think there should be some statements defining....

MR COWLING: There are.

MR STOLLARD: Well then they're not defined enough...

MR COWLING: I think that anyone who is on council and who can't make up his mind about his particular situation shouldn't be on the council, as to how he should vote.

MR STOLLARD: Well one of the councillors refused to vote on this particular situation because he felt it would improve his business, and therefore he decided not to vote at all. Now in another situation, the Spadina Expressway, I'm in something of the same position. I am in the position, because I own property in North York, if the Spadina Expressway went through, it might improve my

property.

MR COWLING: What's wrong with that?

MR STOLLARD: Wait a moment now. I represent the people in Ward One, where the Expressway will come through and damage the property and damage the R-1 home areas. I represent these people, so I have to make up my mind whether I should not vote on it because it might be considered a conflict of interest, or alternately to vote against it in the interests of the people in the Ward that I represent.

MR COWLING: Well do you want the government to tell you?

MR STOLLARD: No, no. I am just trying to point out how complicated these things can be, and I realize they're complicated and it's difficult for you to help people on them. But my point is there should be some definition more specific than there presently is. And I think there should be something done to improve the situation so that councils can represent their people and yet at the same time not feel that they're involving themselves in things too vague to be entirely sure of what they are doing. Now if the other councillor is right then I'm wrong; one of us is wrong anyway. As far as the penalty is concerned, I think there definitely should be something done so that they can be unseated if it is clearly shown that there is misdemeanor in conduct, and I'm satisfied there has been in the past instance. A code of ethics would help, there is no doubt about that- a code showing what they are expected to live up to. Doctors and other professions have this; and it would help to bring the politician into a much better light in the public's eye.

MR BLACKETT: You've now served nearly two years on York Township Council; it would be very interesting for someone like yourself to prepare a code of ethics; what do you mean by a code of ethics?

MR STOLLARD: Well I wouldnt want to go into it at this time, but there are codes of ethics established in other areas; they have them in the States, and they have been recommended here....

MR COWLING: New York City.

MR SINGER: It shouldnt be too difficult to work out; I introduced an amendment two years ago, and it didnt get too much

support, that was somewhat of a code of ethics. (chit chat re NYC)

MR THOMAS: But even a code of ethics isnt too effective if there are no penalties.

MR STOLLARD: Now in the matter of inquiries and the investigation of these matters-I was one of the members of the Human Ratepayers Association who tried to get an inquiry before any effort was made elsewhere; we felt an inquiry should be held, and with the assistance of this young lawyer, we investigated the possibilities at that time, and having obtained advice, it was thought it was a waste of time, so it was dropped. Later we got legislation that made it possible for some 50 people on petition to ask for legislation and it would be done. I feel that Judge Sweet has made recommendations in this particular thing, and I feel they should be given every consideration. Now in regard to #5 in our Brief, I believe this is a matter not so much for the Municipal Act as for the Planning Act, is that correct? (yes) Well in this particular thing, I am concerned very much with one thing, I've had a motion before York Township Council now for something like six months, and it's been supported by a number of ratepayer associations. And it deals with the fact that councils...our council at least, does not make a decision in a public matter where people can come before it in regard to re-zoning. By that I mean it's the prerogative of the Planning Board to call public meetings whereby people can come and hear the pros and cons of a situation regarding re-zoning. Now the Planning Board does in some cases and doesnt in other cases, as they see fit. Now there seems to be no control by the municipality, that is the council, to make it possible for them to give the person an opportunity to come before them.

MR BECKETT: You mean for the council when they're considering the by-law.

MR STOLLARD: Right. In our municipality, a by-law goes through in one day.

MR BECKETT: I know but all your meetings are public meetings.

MR STOLLARD: And in the daytime.

MR BECKETT: And your complaint is that there's no

notice to the ratepayer? (yes)

MR SINGER: In York Township, are there no notices to ratepayers in any re-zoning?

MR STOLLARD: There are no notices to the ratepayer as to when a by-law coming before council for a decision to be made, and I point out that the council makes the decision-it isnt the planning board; they only make a recommendation.

MR BECKETT: But you wouldnt suggest that every by-law that a council passes there is notices to ratepayers.

MR STOLLARD: Well I'd like to point out that I do get notices for my property in North York. (all talking) I feel this is necessary. It's one thing to have a planning board gathering information and to recommend to council what should be done-that's one thing and I see nothing wrong with that. But on the other hand, and I think this is a most important thing, the citizens should be advised when this thing is going to be handled by council, so they will have a chance to tell the persons who are making the decision how they feel about the matter. The planning board doesnt make any decisions whatsoever.

MR BECKETT: Under Section 10 of the Planning Act, it says "the board shall hold public meetings."

MR STOLLARD: I'm talking about the council.

MR COWLING: Here's my point, Mr Chairman, dont you think...as an alderman in the City of Toronto, I made it my business if I wanted to be re-elected, of advising the people in my area of anything affecting them. Dont you think it's up to the local councillor?

MR STOLLARD: That's Mr Frost's statement that you elect the right people; but I'm saying it isnt being done.

MR COWLING: How are you going to change the mind of an elected councillor; if he doesnt want to do the job, who's going to make him.

MR STOLLARD: Well I'd like to suggest that this is one place where this Committee could make recommendations in regard to council having to notify people as to when a bylaw is coming before

them- any matter of changing a zoning by-law, so the people affected will have a chance to put their opinions before the people who make the decisions. Now that is all, Mr Chairman and Gentlemen and I thank you for your consideration.

MR BECKETT: Well thank you very much. Are there any further questions from the Committee?

MR COWLING: I have one, Mr Chairman, having had nearly two years on council, and even though it interferes with your way of life, as you put it, dont you think you could do more good on council than in the ratepayers association?

MR STOLLARD: Not necessarily. (chit chat re reasons)

MR NOBLEMAN: I'd just like to add one thing; the letter Mr Frost sent to our Past President, he said:- This letter is sent to you as a ratepayer and an elector in York Township representing a Citizen's Committee, that you are doing the right thing in bringing responsibility home to the people. When the people determine to accept these things and assert their very clear rights and powers including that of electing municipal councils, and taking an interest in municipal affairs, then practically all of our municipal difficulties disappear." While Mr Frost commended us, it is peculiar that because of a technicality, the former Reeve's case was dismissed in the Supreme Court, therefore he was able to run again. He was defeated but he was able to run. Now he's going to run again this year because the former Reeve, Fred Taylor, died. Now perhaps public opinion will change, they'll have forgotten everything, and if there is no strong candidate, the former Reeve, who violated the Municipal Act specifically, may be elected again this year. When he ran last time, he smeared us, and attacked us, the Citizen's Committee, who took the Premier of this Province's advice, and went to court; we were the criminals-not him. That's the way it worked out. That's why I'm saying in conclusion, why it is necessary to have penalties to protect the citizens from being smeared...

MR COWLING: Even if you had the penalties, it would not stop the former Reeve from making his statements.

MR NOBLEMAN: He wouldnt have been able to run and to

use the public platform to attack us. (why) Because he wouldnt have been a candidate for public office. There's nothing in there now that bars a man from office, and he was able to run again. (chit chat re smearing)
 If there hadnt been a technicality, he wouldnt have been able to run. He violated the Act specifically; he still owns this land....

MR SINGER: Now wait a minute...the courts found that he didnt violate the Act whether you call it a technicality or not.

MR BELISLE: How long do you think he should be barred?

MR NOBLEMAN: I dont know...whether there is anything to learn from the American Acts but I suggest this should be part of the study also.

MR THOMAS: Do you think he should be out on probation?

MR NOBLEMAN: I'm not a Member of Parliament-that's for you to decide. Maybe he should be kept out five years or ten years.

MR HATFIELD: Well one thing the fact that the onus was placed on the taxpayers made our case much weaker; we werent able to assert ourselves as we might; and he was able to say, well after all it is a matter of opinion and the government doesnt think I'm guilty of anything. Our point is that if there was some official action taken, well it would strengthen the cause of justice.

MR BECKETT: But you dont discredit our judicial system, do you?

MR NOBLEMAN: No, no. The judge, because of what was written in the Act had no alternative...But if there were a clearer definition, you see, the Master of the Supreme Court agreed with us. He said Section 56 was clear, but on some little technicality....

MR SINGER: Now now wait, let's be very technical about technicalities. Every day in the week the Supreme Court of Canada disagrees with the Courts of Appeal in one of the provinces-it is the highest court and has the last word. Now you may not agree with what the judge did-the way the Act was written, and I agree with you-the Act perhaps isnt properly written-but to say it is a mere technicality is not being fair to the Judge.

MR BECKETT: Well Mr Nobleman said, Mr Singer, that the court had no other alternative.

MR NOBLEMAN: That's right. I wasn't criticizing the judge, I was just saying that what is there the judge ruled on.

MR SINGER: If you want to quarrel with the way the law is written, then I'll agree with you.

MR NOBLEMAN: Well maybe I stated it badly, but that is really what I meant.

MR BECKETT: Now are there any other questions from the Members of the Committee? Well then I might say on behalf of the Committee, Mr Hatfield, Mr Nobleman and Mr Stollard and Mr Manfredo, we appreciate that you have taken the time and the trouble in coming down here and expressing your views.

MR NOBLEMAN: Thank you for your courtesy.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE THIRTY-FIRST MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT

AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

WEDNESDAY,
 SEPTEMBER 19th, 1962

AFTERNOON SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN

Secretary

MRS E. EATON

Asst. Secretary

J. A. TAYLOR

Solicitor

M. R. SLOAN

Director, Mun Assess.
 Dept Municipal Affairs

MEMBERS:

Rheal Belisle
 Alfred H. Cowling
 Arthur Evans
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer
 Thomas D. Thomas

APPEARANCE:

W. P. Simpson
 F. H. Cade
 W. E. Noble
 J. R. J. Costello
 G. D. Hepditch
 C. J. Madgett
 W. H. Parnell
 E. H. Simpson
 R. G. Wilson
 A. F. Thompson

PRESENTATION:

BRIEF - INSTITUTE OF MUNICIPAL ASSESSORS OF ONTARIO

INSTITUTE OF MUNICIPAL ASSESSORS OF ONTARIOHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Well, Mr Simpson, would you please introduce the members of your delegation to the Committee.

MR SIMPSON: (introduces delegation present) We also have Mr Hepditch, Mr Wilson, Mr Cade and Mr Noble who have been detained in the Minister's Office-they're having a discussion with the Minister.

MR BECKETT: All right, Mr Simpson, you may proceed.

MR SIMPSON: Gentlemen, (reads Brief) "We, the Board of Governors.....to the student." (page 2, para 5) I'd just like to add here we have a very good relations with Queen's University through the offices of Dr Wesley Curran, the Director of Extension of Queen's, and the three tutors-we're very proud of the fact that we have a long continuity with our tutors; and the tutor for the first year is Dr John Moyer, of the Faculty of History at Carleton University in Ottawa, and in the second and third years, we have two new appointments, Mr James Brisbane, the head of the Commercial Dept of Pickering High School will now be tutoring the second year; and the third year is James Innes Stewart, Lecturer at the University of Toronto and York. (continues) "At the present time..... available to Assessors." (page 5, para 7) If I may digress for a moment to interject that we, as assessors feel a very close relationship with all persons in the real estate field, the brokers, agents or appraisers of real estate, and we must naturally work very closely with them; and I think that very probably the reasons the Association of Real Estates Boards knew nothing about training courses for assessors is our fault-not theirs. We were chided, only last spring, by the Deputy Minister, Dr Cummings, that we were hiding our light under a bushel sort of thing too long, and that we should step out and tell people about our course. But we would like to comment on some of the remarks made by the Board in that Brief. (continues, page 5, para 8) "One of their.....of persons" (page 6, para 2, line 11)

MR SINGER: Hold on there...that amendment has not a

general application; it only applies to improvement districts; it was designed only for one municipality and has a very limited application. It was aimed directly at Elliot Lake. I was very interested when the Minister brought that in if he intended to do this all over the whole province, and he quickly stated, no, no, no, that I hadn't read it properly, that it only applied to improvement districts, and then when we got into it, we found really it was only intended for Elliot Lake, because of a peculiar situation. It is no general statement of principle at all.

MR SIMPSON: I think it's actually the thought behind this...it has that connotation. (continues, page 6, para 2, line 11) "While we realize..... and their Assessor employees." (end of Brief) (the other four gentlemen arrive and are introduced) With the exception of one man, I think it is, this constitutes the full Board of Governors of the Institute, Mr Chairman. We completed the Brief during your absence and if you have anything you wish to add, the Chairman has signified a willingness to listen to you.

MR BECKETT: Mr Simpson, they need not stick strictly to your Brief; if they have anything else they would like to discuss...

MR THOMAS: May I say you look very happy; obviously you have done some good business this afternoon. (laughter)

MR WILSON: May I say we have made the Dept aware of our existence at any rate.

MR BECKETT: Would any of the Members of the Committee like to ask any questions?

MR SINGER: Yes, these various recommendations here, the amendments to Section 226, #9 (reads) "The appointment.....by the Minister." Are you suggesting that this just be done for assessment purposes or...just for assessment purposes and leave the other purposes dangling?

MR SIMPSON: I think from our point of view, Sir, we're thinking at this particular time of assessment only.

MR SINGER: Well I recognize that you don't want to stray beyond your field, but do you think it's practical if you can get a ministerial order saying two or more municipalities shall be an

assessment district and not combine all of their other functions, I think you're asking for trouble if you keep a multitude of separate administrative authorities apart from assessment.

MR BELISLE: You're referring mostly in the unorganized?

MR SINGER: No, no, they're saying, and I agree with them that you need trained assessors, and to get trained assessors—the people who would be interested in accepting assessment training, you're going to have to pay them reasonable wages, and you're not going to be able to pay them reasonable wages unless you have a unit that is large enough in assessment and a large enough budget to attract people and pay them proper wages. And many units are too small to do this, so they're going to have to have ministerial action to combine various units, at least for assessment purposes. So picking it up from that point, I say do you really think that you're going to be able to combine for assessment purposes without combining for all purposes?

MR BECKETT: Then following that, Mr Singer, who's going to do the combining?

MR SINGER: Well they say that the Minister shall so order for assessment purposes, and it may be that they don't want to enter into any discussion beyond that, and I can understand that; I just wondered if their thinking is carried beyond that stage.

MR SIMPSON: Not at this particular time, Mr Singer.

MR NOBLE: I think there is a point raised by the gentleman, Mr Chairman, I think there is already some sort of an answer in the legislation that appoints county assessors and a County Assessment Commissioner which you have now in one county in Ontario...

MR SINGER: By unanimous consent of all the municipalities in the county, and there is some doubt in that particular county whether the unanimous consent was properly attained; has that been decided by the courts?

MR NOBLE: Yes it has been decided by the court, but the point about this...in this sort of thing, I don't think there is any danger of taking away the autonomy of the local municipality which I think is what you're getting at indirectly. And the idea is

that on assessment matters, an assessor is governed by statute, not by council, excepting in the hours he performs his duties and the time he returns the rolls; so that actually it would make no difference to the local municipality whether it is under the free county system or the county assessor appointing people-perhaps he could have a full time staff, and necessarily he would have to combine some of these smaller municipalities...excepting for the appointment of...

MR SINGER: Well we'll pick you up at that point then, accepting what you say as being correct, would it not make sense today if the Minister or the Dept appoint a county assessor for each of the counties now. They're not going to interfere with anybody's local autonomy.

MR NOBLE: This doesnt say it wont.

MR WILSON: Another question...there are assessors and rightly so, we feel, who would not like to see the county assessor take over the entire assessment. We have some very large municipalities in some of our counties with excellent staffs who are quite capable of carrying on. I think your question was could this suggestion we have be brought into other official offices within the municipalities concerned? This probably could happen; however I dont think we're qualified to answer that. We're dealing strictly here as assessors; that's our knowledge-it's limited to assessment, broadly speaking, and we are interested primarily with assessment. I might also say that the suggestion there is not particularly with the counties; it's either unorganized municipalities or organized municipalities within the province of Ontario where they find it unfeasible to pay the salary that would encourage a trained man to take over the assessment, in one, two three or even four municipalities who could hire this one man; it has happened in the past.

MR SINGER: Well we've got nearly 1000 municipalities in Ontario and I would guess, just off the top of my head, that there arent more than 150 that could pay a reasonable salary for a properly trained man; so that really you're talking about one of the things I'm very much in favour of and that's reducing the number of administrative units.

MR THOMAS: Well Mr Chairman, when you consider the number of municipalities -the smaller townships- where they have assessors on a part time basis, paying \$800 or \$1000 a year, and just operating in the summer time; there's not sufficient work to keep them going all the year round-I think this suggestion of the assessors is a very good one, and it would tend towards a much more efficient system than we have now.

MR HEPDITCH: A propos to the discussion, I might say just as a point of information, that in the Province of Nova Scotia, they had 750 local assessors; Mr McGlashan, the Director of Assessment, informs me today they have 92 assessors, from 750 to 92.

MR BECKETT: How did they accomplish it?

MR HEPDITCH: They accomplished this in one way, first of all, the Dept of Municipal Affairs, with the cooperation of Dalhousie University Institute of Local Government...Public Affairs, I should say...set up a training course- a three year training course- and then the Municipal Affairs said the jurisdictions had to have a fully trained competent assessor; and if they couldn't afford to do this, then they could unite with another jurisdiction, but they shall appoint a fully trained competent assessor. And this, I think, is the answer.

MR BECKETT: Then what does your Association think of that situation that arises-would you include urban municipalities with the rural?

MR HEPDITCH: There's a lot of small urban municipalities within my county. For example, we have the Village of Pickering; Now the Village of Pickering has a Clerk cum Treasurer, cum Assessor, cum Dog Tax Collector, cum everything- general factotum. Now I think the assessment could be done by the Town of Ajax and it would do a better job.

MR THOMAS: Have you got the permission of the assessor of the Town of Ajax to say that? (laughter)

MR HEPDITCH: No. We also have in the north end, the village of Cannington and Beaverton and the township of Brock and these three municipalities could be united instead of at the present time, all three have a local assessor who is a general factotum. But I be-

lieve this would be feasible, that they could have one assessor. Now the Township of Uxbridge and the Town of Uxbridge and the Township of Scott could have one assessor, Reech, Port Perry and the Township of Scugog could have one assessor.

MR THOMAS: What is the situation in Uxbridge Town, Uxbridge Township and Scott Township now? Are there three?

MR HEPDITCH: They have three separate assessors, they are part-time, Sir, and they pay them varying salaries, the Township of Uxbridge pays, I believe \$1700, the Township of Scott, \$1200, and the Town of Uxbridge, \$1000. Now that's \$3900, but they're not getting \$3900 worth of work amongst the three of them; they're only getting \$1700 at the most, and they're copying the roll and they're not making a proper job because chiefly of ill trained personnel.

MR SIMPSON: Mr Chairman, this idea of combining municipalities is working in our County of Simcoe, I'm sorry to say only in one instance, but in this case, a village and the township have only one assessor, and it works very well. We have 9 incorporated villages in the county, and I'm quite convinced that one competent assessor, with some assistance by a field man, could do the work of these 9 incorporated villages. But at present, each one has their own assessor, and as long as they can appoint anyone, irrespective of qualification or ability, they're going to do so; because they are very loath to give up this local autonomy, in spite of the fact that now and for quite a number of years, this combination of village and township is working and working very well.

MR BECKETT: Would you include the City of Barrie?

MR SIMPSON: No. Barrie is too large. In any combination, those conditions would have to be met. The Town or City of Orillia, as some of you know, is too large. They are full time positions requiring a commissioner and staff; but in most or all of the other places below 10,000 population, it could very well be a combination, and using fully qualified full time personnel receiving adequate salaries, and I believe they would do a far better job that is being done now.

MR SINGLER: Why are you concerned that some of the municipalities might be too large? Wouldn't it make more sense if you have a large municipality to serve as your base, that might have a commissioner and pay even higher salaries than the base salary for a permanent man with broader experience and have him over a larger area.

MR SIMPSON: Personally I think that's an excellent idea; there is really no reason why the whole County of Simcoe with its 32 municipalities and the City of Barrie couldn't be controlled and directed by one assessment authority; but further than that....

MR SINGER: You've got to start somewhere.

MR THOMAS: To reach that objective, of course we know it's one we're aiming for, to get a county assessor over the whole area; but you're going to meet with opposition from local councillors. Now what suggestions have you to make that the provincial government could induce the counties to appoint assessors for the whole area? Have you any suggestion to make that we could carry out to induce them to do this?

MR SIMPSON: I have one suggestion, and that is there should be an audit of the assessment roll, similar to the audit of the accounts and statements, the financial statements of the municipality. If there are no appeals to the Court of Revision, no one except the clerk knows what is in the assessment roll; at the Court of Revision, it's not opened, not questioned; and as long as assessors can maintain these fractional values so very very low, they're not going to get much interest by way of appeal. But if those rolls were subject to some scrutiny by let's say the Dept of Municipal Affairs district offices, or some other agency, then I think something would happen. Yesterday I spent the afternoon with an assessor in a small township- he's a new man they've had an unhappy experience personnelwise over the last four or five years- and I'm quite certain that this man is going to turn in a roll which is absolutely of no credit whatever to this municipality; they appointed him in good faith; he's a new man, and has no knowledge of assessment, but when he sees what has to be done, he gets some glimpse of the intricacies of assessment law, and he goes

out over his concessions and see the condition they're in, and I use this word "mess" as we saw yesterday, he's going to close the thing up, turn it in and hope nothing happens.

MR HEPDITCH: The situation, as Mr Simpson says, can be corrected, I believe in this wise, now we have the County Court of Revision, but rather than call it that, I would like to call it the County Board of Equalization, and if the assessor in every jurisdiction would send in his assessment roll to the County Board of Equalization, it would also act as the Revising body in the first instance, and from there to the County Judge and from there to another Board; and this would act as an audit, because at this time the County Board of Equalization could examine the whole thing and see if the assessments in that jurisdiction are proper and that the assessor is doing his job in a competent and proper manner.

MR SINGER: The County Board of Equalization says to Pedunk Township, we think your roll is all wrong; it should be multiplied by three, and every good councillor in the township gets up and he screams and yells for the heads of the County Board of Equalization. And as long as they maintain their independence or their local autonomy it would come to this every time.

MR BECKETT: And who would appoint this Board?

MR HEPDITCH: I think it should be appointed the same way the Planning Board is.

MR BECKETT: But your Planning Board is appointed by the individual municipalities.

MR HEPDITCH: Well in this instance, the County Board of equalization would be appointed by the county, because it would be the prime body if the county were a planning unit.

MR SINGER: Hasnt the time really come when we should stop paying such great lip service to the wonderful words "local autonomy"?

MR PARNELL: Mr Chairman, I think some of these gentlemen here are county assessors, and maybe are a little reluctant to say some of the things they'd like to say; being an urban assessor, I

feel a lot of the problem is the county assessor hasnt enough authority; now if some of these county assessors were given the authority to do instead of having their remarks ignored.

MR BECKETT: Well you say you're an urban assessor; which municipality is it?

MR PARNELL: I'm deputy assessment commissioner for Peterborough.

MR SLOAN: I think that possibly this delegation are all from southern Ontario, and they dont realize the distances in some municipalities; when you get into a large municipality- a lot of acreage-and you do an assessment, and you may travel another 50 miles before you get to another municipality, and I dont think either municipality could afford a full time assessor.

MR BELISLE: The assessor up in the north is everything, dog catcher...everything, tax collector.

MR SINGER: Many communities up there havent found any necessity for municipal organization as we discovered on this trip; they just dont bother with it.

MR BECKETT: You're going very far north. (laughter)

MR BELISLE: In my understanding, the Dept of Municipal Affairs spot checks all assessments.

MR SLOAN: We dont check them....we do interim for our own information; we do get certain information where the municipalities are carrying out certain functions. I agree the county assessors possibly havent enough control, and we find in certain counties the assessors are carrying out the very necessary function, and in the same county other municipalities are not. I think that's the weakness. I think this might work with a lot of good salesmanship in southern Ontario, but I dont think the north is ready for it yet.

MR BELISLE: Well most mining municipalities, in order to qualify for the mining grants, have to have...

MR SLOAN: Oh they are improvement districts and definitely mining municipalities...a number of improvement districts ...they do get a closer look naturally because we have some reference

supervision. But it would be rather hard to do to go to northern Ontario and tell them to combine because they'd say we cant get assessors to

MR SINGER: Well if somebody doesnt wield the whip in places like Brunnetville and Val Albert, there's going to be some real trouble before very long.

MR THOMAS: Mr Chairman, I remember prior to 1945-46, there was great difficulty then to get some of the counties to accept the county assessor system; but when the government offered a little inducement- \$1500 towards their salary-that was a little carrot dangled before the county councils, and some of them grabbed it; now perhaps there should be some further inducement in order to attain a much more efficient system.

MR WILSON: I would say, Mr Chairman, on the point brought up by Mr Sloan regarding the northern municipalities, very definitely, of course, there is provision in the Act to appoint district assessors. This might be the answer to some of it; also we feel very strongly as assessors, that no municipality can be completely reassessed properly within one year; we feel it takes a longer period of time. And if for instance, we set up a basis on a five year period, then I suggest these northern municipalities could be properly looked after.

MR SINGER: Here here.

MR BLCKETT: This might be a good place, Gentlemen, to ask one or two questions apart from the Brief altogether, for instance, to give us the definition of a farm and a farmer. (laughter)

MR MORROW: We have a man who's supposed to bring us that...he was here one day...is he in this room? (laughter and chit chat)

MR THOMPSON: I believe I am the man. (laughter)

Might I comment, Sir, for a moment on that insofar as it's apart from our Brief. Not to digress, but before we leave this, I believe it was Mr Singer who mentioned the nasty word "local autonomy"; this is used a very great deal lately, particularly insofar as taking away from some of the local municipalities such things as their, in our county it's the health at the particular moment; and we do constantly hear

this cry of local autonomy. And I believe Mr Singer did ask how this perhaps could be overcome to some extent; and it has occurred to me that possibly the problem could solve itself to a great extent if some of the other measures were first taken care of; and this is what I'm leading to. We have spoken of the standards of the assessor, and I don't believe there are any qualms or doubt but that the standard of assessment in the Province of Ontario is not good. There are definitely good assessors doing good work, but there are some which do not measure up even remotely. Now if qualifications for personnel were through legislation or through financial inducement, but better standards were called for, and secondly, that a manual-this is in the Institute's Brief- if a mandatory manual or a manual of up to date values were legislated or at least required by legislation, then I believe that many of these local municipalities, who are shouting about their local autonomy, would be ruddy well glad to get rid of this job of assessment and give it over to an authority who could pay the person with qualifications to do the work. And I think the problem would, to a great measure- not completely of course- but to a great measure, would nullify itself and the cry for local autonomy would disappear. And I think you were seeking, Mr Singer, some measure of financial inducement...maybe I'm presumptuous to suggest that..I believe that many municipalities, before my time, you mentioned the counties that were against the county system-but the thought of the \$1500 persuaded them. I still believe this same type of inducement could work to encourage better qualifications and larger assessment administration areas; and it might come in the form of personnel wages, or it could come in the form of setting up a grant to set up the office, the mechanics for the greater area. Now Mr Chairman, perhaps I had better get back to your question of farms and farmer definition. Subsequent to so boldly suggesting that I would do my best, I have, Mr Chairman, spent many long evenings pondering this question, preparing notes and submissions which later found their way to the waste paper basket. I might say this, Sir, I will submit the material that I have been working on, but the difficulty that I have encountered more than any other difficulty,

it is easy to define a farm in possibly a very narrow sense; or it's easy to define a farm which would encompass many, many types of properties; but the real problem is to understand clearly for what purpose the definition is being drawn. May I just illustrate it in this way. For purposes of business assessment, perhaps a broiler plant on a half acre of land could be considered a business and liable to business assessment. So in a definition of a farm for this purpose, obviously this property would be excluded...or possibly some might suggest that it should be excluded, that it should be liable to business assessment. But if we're going to allow the same operation on a larger acreage to be excluded from business assessment, perhaps this man with the same operation on the smaller acreage-a half acre plot in the middle of the down town area-perhaps he too should be excluded from business assessment. A half acre of land, if it is excluded from business assessment, because he's raising broilers on it, in no way could it be considered a farm for general farm purposes, or in fact for any other farm purposes possibly; and this is the difficulty, Mr Chairman, which I have run into. If one had a little more insight into how the definition might be used, in other words...perhaps the residence on a farm-the home, the dwelling on a farm, might be excluded and separately assessed on a small parcel of land in a manner similar to all other suburban residences or residences in the same area, but excluding the remainder of the acreage which... in this instance if this were the thing, then the definition of farm in my opinion should be much broader, to include lands being farmed by extremely wealthy people...hobby farms-I'll put it that way, part time farmers-people who are not making their livelihood from it. Their lands too, I believe, should be excluded from higher values possibly, just the same as the man who is actually making his livelihood, provided his house and the land with it is pulled away, and assessed separately. I am trying to illustrate, Mr Chairman, the difficulty that a definition for these purposes is very much dependent upon what it is serve; and this has been my difficulty.

MR SINGER: Of course the whole purpose of this enquiry is the oft repeated complaints we get from farmers that they are not

being properly assessed and taxed. They say it is unfair; and if this is true, and it seems the complaint is universal, how then do you cope with it? By the definition or the taxing policy-you cant separate them, I agree; how do you cope with it? Are we being fair in this at the present time or not?

MR TLOMPSON: Well in some areas, I'll deal with the County of Wentworth, I would say from the standpoint of the present economic value of certain farms, they're extremely over-assessed, simply because they're located in an area where their value is far in excess of its value for farming. If you look at the value of the land for farming purposes, they're over-assessed, obviously; but certainly not over-assessed for real value...here again.....

MR SINGER: How should they be taxed?

MR BLCKETT: Why do you term it real value-it's actual value. (yes) Well would you agree with the judgment given by Judge Lane just recently that a farmer who rents house-keeping cottages is not liable to a business tax?

MR WILSON: I would disagree with that. (laughter)

MR BECKETT: What would you say, Mr Sloan?

MR SLOAN: Definitely, I would remove the cottages from the farm proper and assess them separately.

MR BECKETT: Would you assess the farmer a business though for carrying on that business?

MR SLOAN: Actually no. I think it is one of the things in the Assessment Act that themselves-what to do with the man who rents summer cottages- why you shouldnt charge a business assessment? On the other hand should you charge a man who rents half of his garage; he's in business. We go ahead and say we must assess a summer hotel and all the accommodation around-you assess it for business; we've never had a proper answer on this. But it does seem very unfair that a man who probably owns two cottages should be assessed for business assessment and yet the apartment house owner- possibly in the same position of renting-why shouldnt he be charged? But where do you draw the line?

MR NOBLE: Might I point out, Mr Chairman, that not only do you exempt apartment house owners from business tax, but if they have empty apartments, they can get part of their taxes back.

MR SIMPSON: County Judge MacDougall also found in favour of an appellant on the same basis of business tax on business assessment against summer cottages at Christie Lake.

MR BECKETT: Well we wondered about you, Mr Thompson in the farm, farmer definition?

MR THOMPSON: Frankly, Sir, I was hoping that maybe some of the members of your Committee might drop some casual suggestion as to how the definition of farm or farmer may in the thinking of the Committee be going to be combined...in other words how it's going to apply. Again, Sir, I do respectfully suggest that any definition...let's use the present legislation as it stands. They felt that 20 acres was necessary for a farm for voting purposes for farmers sons and daughters and so on. And yet, for exemption or partial exemption of taxes for certain municipal services, they felt that 5 acres was suitable; here in the legislation they've required two different definitions for these two purposes. And then I think the definition of a farm for valuing purposes, for rating purposes must bear some relation to the way in which the property is going to be valued.

MR SLOAN: Mr Chairman, might I ask you gentlemen if any of them were at the OMA, why in putting these presentations into the government on your behalf, on behalf of the Assessor's Association, they changed that....they still require the Minister to approve the appointment, but they cut out the approval of the Minister for dismissal. I wondered why this is-the Minister still approves the appointment, but they leave it up to the council for dismissal.

MR WILSON: Mr Chairman I was a member of the Resolution Committee at the OMA, and the resolution in its entirety was presented to the Resolutions Committee; as you probably know that committee was made up of 3 appointed officials and I believe 8 elected officials; and the elected officials voted against including this in there and a motion was made recinding the Minister's approval on dismissal, and it

carried through the Convention. However I do feel that the elected representatives, while they were conscious of that local autonomy in respect to the dismissal of a person, they still permitted the fore part of that with the Minister's approval of appointment to carry through, and I think this bodes well, because certainly they are realizing, in my opinion at any rate, that local autonomy doesn't have very much to do with an assessor at any rate. His duties are statutory; all that they can control are his hours of work and the time allotment that he has. There was one point that was brought in regard to these farms, or rather was not brought up...in the original instance the legislation, I feel, in regard to farm land assessment, was put in there for one purpose, and that was to encourage people to stay on farms, by means possibly of lower taxation. But in effect, it is not meeting its purpose, because the gains, if any, the farmer makes on taxation are so small they certainly wouldn't warrant him remaining on his land for that reason only. I've worried quite a great deal in my particular area-the Niagara Peninsula- where we see all these fruit lands being taken up with residential housing. Now the farmer there certainly receives more money in subdividing the land than he can for farming purposes; and to me, we're losing something for future generations that can never be replaced. We here, will possibly never feel the effects of it, but somebody in the future will. There is only one other area like it in the Dominion of Canada, and that is the Okanagan Valley; and it probably isn't a question of how we assess the farmer, it's what compensation he receives directly for carrying out farming in that particular area. There is no reason at all why a farmer who is occupied in farming shouldn't receive a salary commensurate with any other person. Now where this salary is to come from, I'm not prepared to say-possibly from grants, agricultural grants- but certainly I don't believe taxation or preferred assessment for farmers will ever compensate them for holding on to this farm land.

MR BECKETT: Was there something further on this, Mr Simpson, or any of your delegation? (no) We'll just have to bypass the farm situation. We let Mr Thompson ponder some more. (laughter)

MR MORROW: What effect, Mr Chairman, in the assessment would it have if we changed 93 (a) there so that Assessment Commissioners and councils may appoint Assessment Commissioners if they had a two-thirds vote of the council; would it tend to bring more of them about? This unanimous vote seems to be holding the thing back.

MR COWLING: This is a county assessor you're talking about? (yes)

MR BECKETT: But Mr Morrow, these men are not members of municipal council.

MR MORROW: Yes, but I think they might be in the position of knowing the feeling of councils.

MR SIMPSON: There are four county assessors here who may be able to give you something on it.

MR WILSON: I believe that two-thirds majority in county council would be much better than the average vote...the majority of course is what carries through on county council on every other question that comes before them...

MR MORROW: We may have to take it by stages- in order to get down to the majority, we may have to start at two-thirds.

MR WILSON: Yes, I think you've got to crawl in every respect, Sir, before you walk; and possibly two-thirds would be the answer at the present time. As Mr Thomas mentioned, we saw it in regard to the appointment of, the first instance, county assessor. The counties were not anxious to go into this but the legislation was passed in 1941, I believe and the first appointee was in 1943. I believe I was the fifth and I was appointed in 1945, and so this came along gradually; and it was only last year that we finally had every county with a county assessor. And I think if you provided the two-thirds majority, that there is a possibility that some of them would gradually come in, and I think they would then request, if they saw it was working out in those particular counties, possibly some of the others would request a clear majority vote.

MR SLOAN: You have a precedent of this two-thirds in . And I may say that the Dept did recommend 75% orig-

inally, but somewhere it was changed.

MR THOMAS: But who would overrule the Dept, Max?

MR SLOAN: The Legislature. (laughter and chit chat)

MR BECKETT: As I said before though, that two-thirds could be representing the small municipalities in a county that could over-ride the big ones. We'd have to qualify it by having two-thirds of the larger municipalities.

MR BELISLE: In other words, Mr Chairman, you mean a mixture of two-thirds.

MR NOBLE: Mr Chairman, this is aside altogether from the Brief, but it has to do with county assessors, more particularly with county organization. I have had a career in municipal politics, three years in the county council representing a suburban or urban municipality; but in our experience, and more particularly more recently, we find that county as presently organized, is very difficult to administer and to get proper legislation through county council and proper support for a county assessment system, for the simple reason that the people in Ontario County who live north of all the ridges, and perhaps north of Lake Simcoe and in and around that area, couldnt be less concerned with what happens in the south. And they come down with sufficient representation to spend the county's money, and yet 70% of the finances of the county is paid in by people who live south of the ridges. Our representation in county council is improper, inadequate in proportion to the population for one thing. The second thing is I have always maintained and still do that a county system, just as it's happened in our own municipality, in the township system, could not continue to exist, part urban and part rural, so that Oshawa finally took over 8200 of our population and a good chunk of the township. Now in my opinion....

MR BECKETT: For whose benefit?

MR NOBLE: For the benefit of the people generally-both sections benefitted...and I think there should be a complete review of the geographic outlines of administrative.....unit-not just to say we'll take the old system that was set up 100 years or better ago,

and use that as the unit over which we put an assessment administration or any other type of administration. They each have special needs, special requirements, special problems that have nothing to do with the people in the other section. And I thought in county council that a great deal of material that was discussed there either didn't interest the largest voting number, because it pertained to us; or it didn't interest us, because it was farmer stuff. Now I was born and raised on a farm, and incidentally I farmed myself before I moved into the City of Oshawa as a young man; and I believe that this is one of the solutions we ask to be worked out; that we cannot continue to have these mixed suburban-rural areas, and have them properly administered. You're not going to be able to get an assessor, a county assessor who can handle the job and still remain on the job unless he caters a bit to the people who make the policy; and this Brief, the thing we're asking for is going to put a tool in his hands, outside of definitions or anything else, that will make it possible for him to do the job, and not to be dismissed because he is doing his job.

MR BECKETT: I sat on York County Council for six years, and Mr Singer, he was a member of York County Council too. We had some problems, but what are you going to do, you can't separate the rural from the urban entirely, because the urban part's going to grow.

MR THOMAS: How about the geographic rearrangement of some of the counties...you take the County of York; it's lopped off in the Metropolitan area, and take the southern part of Ontario County, there's Pickering, Ajax and Oshawa-why not a rearrangement...

MR BECKETT: And zone it for agricultural purposes, and keep it that way?

MR NOBLE: I think, Sir, this is a problem for an overall regional planning board, and this is where they could function. We know we've got to put in green belts and make them stick...

MR SINGER: How would you create your regions-isn't this the problem? (yes) And then you're talking really replace the word "county" with the word "region"...you're talking about regional assessors, regional boards....regional government...

MR NOBLE: Well they can call it any name they want to-it's the efficiency and the operation that we're concerned with.

MR BELISLE: Let's abolish the whole thing and call it a district, Sir. (laughter)

MR BECKETT: Any comment Mr Taylor or Mr Sloan? What about planning?

MR TAYLOR: I think for a farmer it is probably land use that is the problem-it's the land use that counts. The B.C. Act they have a pretty good definition. I think it is education is the farmer's problem and maybe a different approach to it.

MR BECKETT: Would it be any assistance to the Assessors if zoning by-laws were passed to zone farm land for agricultural purposes?

MR SLOAN: The weakness has been in Ontario..before this amendment was made, there was a meeting with the Deputy Minister, Mr Yates and others, and if rural Ontario especially close to urban centres had been zoned, it would have been fairly easy to put a definition in for farming...there are lots of planning boards in Ontario but they're not active or they're not doing their job or they haven't enough control or say in these various things..we found that even in close to fairly large municipalities where the trouble has been with high taxation-that's where it is, that they had no official plan, and therefore we couldn't say the land was in an area reserved for a green belt or reserved for farming-that would have classified it as a farm, but there was no official plans.

MR BECKETT: Well apart from an official plan, would it be fair to have your by-law implement your official plan in the use of land for farm purposes; and then the poor farmer couldn't sell off a corner lot for a gas station.

MR SLOAN: That was it...some of those who were interested in zoning didn't want to be restricted; they were interested in the commercial.

MR HEPDITCH: Mr Chairman, may I crave your indulgence for a moment, have you had any representations from the gravel pit operators? If not I would like to bring a situation...we're ranging

far afield...there is a situation that I believe could be resolved, and should be resolved speedily, regarding the assessment of gravel pits, especially in and around Metropolitan Toronto. This is an extractive industry and while it comes under the purview of the Mining Act, it does not come under the purview of the Mining Tax Act. The assessor, in assessing gravel pits, where they're operated as such, has been assessing them in accordance with Section 35. To arrive at this, they formerly take this in situ, and assess it on the foot acreage basis or something like this. Now in my county, we have large natural resources of gravel, I feel this has created a very awkward situation, because the gravel pit operator often comes in and removes thousands of yards of gravel, and there's no revenue accruing to the municipality because the time he's in, he can do it quickly in a couple of months, where the operator who is intending to make it a year by year business, and extracts so many thousands tons per year, he is assessed by this assessment formula, and this assessment formula has gone before the Ontario Municipal Board, and they look very benignly on it. I feel we should assess, having regard to the amount of gravel that is extracted. And this situation should be resolved, and I bring it to your Committee's attention, so that it can be taken under consideration, and when it comes up as you deal with the Assessment Act, I would respectfully ask, Sir, that you look into this situation regarding these gravel pits, and make maybe some provision to assess them on a different basis. I believe if we assessed them by way bills or by royalty tax, it would be a more equitable tax, and you would get the large operator who is in and out, and not penalize the person, and I might say that your counsel, Mr Taylor, is very aware of this fact because he has acted on behalf of several appellants in this regard. I don't want to put Mr Taylor on the spot, but I would like to bring this situation to your attention.

MR BECKETT: What do you say, Mr Hepditch, after the gravel is out?

MR HEPDITCH: I would feel the land is depleted and is of very little value; but I say that somewhere along the line, this

industry is conducting a business, and in many many instances is exploiting a natural resource, and is not being taxed effectively at the local level in a proper manner. I know of a gravel pit operator who is in a certain township and he extracted 360,000 yds of gravel in one month, and before you could put the assessment on, he's out of business.

MR BECKETT: But you couldnt assess him enough in one month or in one year to cover the assessment you've lost from that time on.

MR HEPDITCH: No, I agree, Sir, but I think if we were getting a royalty tax at so much per ton, that this would be a proper tax. Now maybe it should be placed provincially, but I believe that this is a particular industry that is not being taxed properly, and if they are taxed, they're being taxed improperly in some instances.

MR BECKETT: You could only catch them once.

MR HEPDITCH: I agree. If you have the gravel pit operator and he uses the weigh bills, you only tax him once; but then you have the other gravel pit operator who has his lands there in situe, and the gravel is assessed there, say so many foot acres. For example, we have a gravel pit of 5 acres in extent and it has a 30 foot face, and the best method to arrive at the assessment of this is the method commonly used...he has 1640 yds in length, one foot deep, so you multiply the 30 foot face, and you arrive at the amount. But this gravel is not being taken out. He only removes about a half an acre a year. But a large operator comes in and exploits this and takes maybe the whole five acres in one month, pays nothing to the local coffers. So one person is being penalized and the other person is receiving a premium. Now this situation has arisen in Ontario County and it has arisen in York County and I believe it needs correcting.

MR BECKETT: Mr Hepditch, the same thing happens in Markham Township; they've sold their topsoil off it.

MR HEPDITCH: Yes, and I think this is an extractive industry and should be taxed on some royalty basis. We do this with timber; we charge stumpage taxes, and in other jurisdictions, in the

United Kingdom, they charge a royalty basis on the removal of minerals; now gravel is not a valuable mineral, but it's a mineral, and so we find it in the Mining Act, but it does not come under the Mining Tax Act.

MR MORROW: If we put the gravel pits under the Dept of Mines, they'd have to get a permit and the tax comes....

MR BECKETT: But that doesnt answer the question once the gravel is gone, what have you got?

MR HEPDITCH: Nothing but waste land and it's assessed as waste land.

MR THOMAS: And all is desolation.

MR HEPDITCH: Well not always-I dont want to mention any names, but I do know that Conny Smythe had very great success over here and near Black Creek in York Township, and Connie there, after he took the gravel out, why he put housing upon it, and the land that was worth \$2 an acre or maybe a little more-I know the day when it could be bought for \$5 an acre and I guess today it is worth at least \$7,000 an acre or more. I think there's a school on there that they paid \$12,000 an acre for the land.

MR BECKETT: It might be better to restrict the depth that they can go and keep the land...that might be done by bylaw.

MR HEPDITCH: What I meant, Sir, the operator comes in he removes the gravel and he's out, and the poor devil who has a little family business and he sells a little gravel to the local merchants; he's the local supply; he is left holding this assessment, and in many instances it works an injustice. And due to the fact the courts have adjudicated it is an equitable assessment method, I feel it should be corrected-it is unfair to the person who is operating a small gravel pit and paying this tax for 3,4,5 and 20 years, as against somebody who can come in, do a big operation, and out, and pay nothing to the municipality. This extractive industry is a depletion of natural resources, and with the big road haulage and everything, they often have big tandems- 30 ton tandems- they knock the hell out of the roads.

MR BECKETT: What do you say, Mr Sloan about this gravel pit?

MR SLOAN: Well there is only one thing, the Mining Tax Act; you see in Ontario on real property you assess in one year and collect taxes the next year; even if you assess business tax one year, it's not good enough. It isn't a question of retaining the gravel pit; it's the question of the man moving out of town, like a road contractor -something on that order. I think the Mining Tax Act under the Dept of Mines; they might do that...they're taking over salt now and if gravel is in the Mining Act, it might be operated under the Mining Tax Act. After it is over and the land is done, I don't think it is worth very much money. You've got a hole in the ground.

MR BECKETT: After the gravel is depleted, what have you got?

MR HEPDITCH: Under the Mining Act, on Crown Lands, you have to pay royalty to the state for the extracting these minerals, gravel, rock, marl, clay and there are several other minerals, non-metallic, and even gypsum of a certain type; now in Oxford County, we have four gypsum mines that if they were a different type of gypsum, they'd be under the Mining Act, and there's nothing to prevent a big operator coming in and removing this mineral; now they may be properly taxed in Oxford, but as an extractive industry, I think it should be taxed properly so that persons can't exploit natural resources unduly. Now as I said gravel and other minerals come under the Mining Act as to their operations, so it might be well to consider these others in the same respect for administration and receiving some royalty that the public coffers be enriched and not just some private operators.

MR THOMPSON: Mr Chairman, back to the question that you mentioned, the question of the assessment on what is left; I don't know...as long as the legislation requires that the assessment be at actual value-market value- or whatever it might be termed; these so called holes in the ground, whether they're a stone quarry or gravel, sand, peat, humus, and in many instances in the case of stone or gravel, -it's a pond that's left rather than a hole. But it would seem from the taxation standpoint, the problem can only be resolved by legislation outside of the Assessment Act, which requires, perhaps by municipal by-law, that these pits and quarries be put back to a usable

state, whatever that might be or put back to the original surface; in other words if it were farm land, particularly in the instance of stone quarrying, the subsoil brought back and the top soil brought back so that the land returns to a use which ultimately may be assessed and taxed. Now I would suggest, Sir, that's the only way from the taxation standpoint, we'll ever get anything. I can illustrate that, Mr Chairman; in the Township of West Flamboro, now from memory, some 24,000 acres, I believe, but a substantial portion of that township, about 1000 acres is under the ownership of a quarry operator, and sooner or later, unless the local authority pass a bylaw and enforces it to require these operators to put this back into some use, they're going to lose a very substantial portion of their municipal revenue in future years, after this land becomes useless.

MR WILSON: Are you suggesting they dig new holes to fill the old holes? (laughter)

MR THOMPSON: No, no ; in most instances, while these quarries sell the extractive, most of the fill is left in piles surrounding these quarries. The subsoil in Wentworth is left but the top soil is sold and the subsoil invariably is left in piles at the edges of the quarry, and it would be of nominal cost comparatively speaking, to put this back into the hole and turn it back into farm land.

MR BECKETT: Then you might suggest the municipality be given power to license these quarries and pits?

MR THOMPSON: I'm completely out of my element here.

MR BECKETT: Under the Planning Act, the municipality may pass by-laws for the establishing of quarries and pits within the municipality and they can prohibit.

MR THOMPSON: Yes as long as it isn't an operating quarry, I believe here; they can't close down an existing quarry. No Sir, my only suggestion was that in order to overcome the loss in revenue that the municipalities will ultimately suffer, after the quarry has been depleted, would be to require the operator to return the surface of the land to the natural state.

MR BECKETT: That could be made a condition of a

license. (yes)

MR MORROW: What suggestion did that council from Lobo Township have, Mr Allen was in here from Middlesex...they had hundreds and hundreds of acres of gravel pits -just holes.

MR BECKETT: But no suggestion as to how to overcome the matter. They wanted this Committee to make the suggestions.

MR MORROW: I thought they had a suggestion as to how it should be taxed as it was going out at so much a cubic yard as it was extracted. They werent getting anything out of it, they claimed. (chit chat re other operations)

MR WILSON: Mr Chairman, apparently we've given so much food for thought as far as gravel pits are concerned, we've digressed from our original intent and we apologize for that, Sir, because that was not our purpose in coming here. I wonder if there is anything further on our Brief that we have before you today, we could discuss it; certainly we dont want to belabour you.

MR BECKETT: You can blame it on the Committee. Mr Simpson, we aporeciate very much your delegation coming before this Committee; it has been very useful and we certainly will give consideration to your suggestions.

MR SIMPSON: Thank you very much, Mr Chairman and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTY-FIRST MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

THURSDAY
SEPTEMBER 20th, ¹⁹⁶²~~1963~~

AFTERNOON SESSION

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Secretary

MRS E. EATON

Asst. Secretary

J.A. TAYLOR

Solicitor

M.R. SLOAN

Director, Mun Assess.
Dept Municipal Affairs

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S. A. Little
F. K. Early
Dr M. Hikel

PRESENTATION:

BRIEF - NATIONAL UNION OF PUBLIC SERVICE EMPLOYEES CLC

NATIONAL UNION OF PUBLIC SERVICE EMPLOYEES, CLCHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr, Little will you please introduce your delegation to the Committee. (Mr Little introduces delegation) And will you tell us where you live too.

MR LITTLE: Our office is at 164 Eglinton East in Toronto, and we all live in Toronto, if you can count Leaside as part of Toronto.

MR BECKETT: It's part of my Riding. (chit chat) Now if you want to read your Brief, you may proceed.

MR LITTLE: Mr Chairman and Members of the Committee, I'll go through the Brief, but first mentioning it's a little bit out of date because of the time lapse; the Introduction outlining the jurisdiction of our Union was amended last fall slightly-I'm not sure this Committee is interested in that...the membership has increased somewhat now to 30,000 or better and there are 3 more locals in the interval also. (reads page 1, para4) "However we realize.....trends." (end of page 1)

MR BECKETT: Do you think it should be removed altogether and leave it to the discretion of the...?

MR LITTLE: Exactly, that is what we desire, to have it removed completely, and the decision left to the municipal corporation. (continues, page 2, line 1) "In our opinion.....two years."

MR BECKETT: Purely permissive.

MR LITTLE: Purely permissive, Mr Chairman. If I may take the liberty, I have dealt with a lot of councils and commissions, and we find that many of them will grant certain fringe conditions, when maybe their general or basic wage rate is below average; we as union negotiators, could possibly show them where their out of pattern or off-base basic rates, and in recognition of the local situation, where wages in the area are down, the council sometimes are prepared to give to their employees a special concession in the way of fringe; in other words a balancing factor or a make up. And this restricts that kind of negotiation. I have had councils tell me in straight forward language that they would be prepared to go beyond this if it

werent for the restriction.

MR THOMAS: And you think permissive would fit the bill.

MR LITTLE: Yes it would; however I would suggest it would be better to be out all together and submit this to the corporate authorities to give what they wanted to give. We suggest it be left open to the locality and the peculiarities of that particular situation. We find in utilities where there are commissions, the employees feel in the municipal end of it that they're discriminated against in this type of thing; because of the others are allowed conditions in both health, welfare and pension that are denied to the municipal employees, because of this clause.

MR TAYLOR: Well on severance, sometimes it doesnt vest this provision...that's covered by you contract....

MR LITTLE: But it is negotiable though.

MR BECKETT: Would you explain to the Committee what you mean by vesting-that's a legal word.

MR TAYLOR: In other words, you have rights or some equity in it.

MR BECKETT: That cant be taken away (right)

MR LITTLE: You would get it or your estate would get it. Sometimes you get it on termination, retirement or death, that's about the only two places you run into that. Now Item 2, (continues, page 2, para 2) "Exemption of Municipalities.....in the private sector." (page 2, para 5) This is, Mr Chairman, in our opinion a very important aspect as it relates to Public Service Employees and their collective bargaining right.

MR MORROW: In this part where it says "five government members who are now Cabinet Ministers." I presume you mean five government supporters who are now members of the Government. (chit chat re members of government) Mr Maloney and Mr Spooner-two members of the government, not five.

MR LITTLE: As we point out here, they were unanimous in their recommendation and at least Section 78,as it was then called, was taken out of the Act.

MR BECKETT Have you any figures on municipalities that took advantage of this?

MR LITTLE: Not at the moment, Mr Chairman, but we are preparing such a document. It is difficult to say on this sort of thing- a lot of them we know about, but other places where we've organized the employees, we find out this has been done without any knowledges on the part of the employees; for instance in Weston for the past ten years, but the employees didnt know it.

MR EADY: If I may, Mr Chairman, I'd like to give the Committee two cases which have arisen in recent times which will illustrate the type of situation they were placed in-two completely different ones. One was the Roman Catholic School Board in Sudbury-they passed 89...78 as it was then, and this being a union town, we said we would probably get a body of support for this recognition. We recommended to the members that they should consider striking for recognition, because once the Act is passed, the Labour Relations Act no longer applies to them, and they can go on strike. And we had the very unfortunate situation of having to put a picket line outside the Roman Catholic School Board offices. Now the way that was handled, quite frankly and it is no secret, I went up there to try to settle the thing and I went to see the Monseignior, and told him I felt that using this was against the principles of the church in allowing workers to join a union of their choice; they asked for a month to reconsider it, and we withdrew and the men went back to work. After a month, they repealed the by-law and we have had a collective bargaining arrangement with them for one year, and they've now renewed their contract for another year. That was a case where we had to strike for recognition. We had a similar case in Mimico, and we had a strike for recognition, and as a matter of fact it had a very undesirable impact, because it got involved in the next elections. Then we had a case just recently in York County in the York Manor Home for the Aged in New Market. Now here we were in a situation where we had 90% of the people organized, a very strong desire to join the union because of the bad employee relations. Section 78 by-law had been passed, and it was used against

us. Now how could we call out the employees of an old people's home? Because we wouldn't be striking against the Warden of York County; we would be striking against the old people in that home; and although we had 90% organized, Mr Chairman, five people were fired for union activity—we went to our lawyer and they said: There's nothing you can do, because if they're removed from the Act, you can fire people without any reason—there is nothing to stop you. So we are now in a situation that as a result of a genuine attempt of the employees in this old people's home to organize, five people lost their jobs; 90% of the people indicated their desire and they were thwarted by this by-law; and we, and I'm not being hypocritical when I say this, we just couldn't recommend to those members to go on strike. We felt in Sudbury if the schools didn't get cleaned for a few days, that wouldn't be too much hardship to anybody.

MR BELISLE: I believe you picketed the Catholic Church on Sunday, or most of the catholic churches on Sunday, did you?

MR EADY: No, that was the Carpenters' Union that did that when they had the discussion over building a Catholic Church. We picketed the schools and the the School Board; we didn't get involved in going after the church at all. That was a building trades action. But in York Manor, we didn't put a picket line on; we asked to see the County Council and present our viewpoint; we were not granted a hearing, and this is the type of situation, Gentlemen, which we are facing year in and year out. And we say this is not equitable and it is putting us into an impossible situation; it's denying employees their rights and in many cases can cause strikes, rather than prevent them.

MR BECKETT: I didn't know that York County had passed that by-law.

MR EADY: The Health Units passed it and the County Council passed it and the County Council revived it and sent it as an objection when we organized York Manor. And to give you an illustration, Mr Chairman, the York Manor Old Peoples' Home didn't even exist when that by-law was passed. But as the Units had passed it, therefore the by-law covered it.

MR BECKETT: What is the date of the by-law, do you

know?

MR EADY: It was 1959. (chit chat) No, the order was that we tried to organize the health group, and the Board of Health passed the by-law. Shortly after that, we lost them because of course the by-law operated against us. I guess somebody in the County Council thought this would be a good idea if this applied to everybody, and they passed it; there was no application in front of the Council-they just passed it. So when we came to organize, we didnt know of the existence of this bylaw, until we got a reply from the Labour Relations Board; because normally when we go out to organize, the first thing we do is to see if there's any past history in connection with 78 or 89; we did not know this existed, so that's how we got involved.

MR THOMAS: Didnt we have a Brief, Mr Chairman, presented by some municipal organization about the repeal of this Section? Wasnt there some discussion with some mayors and reeves at some time?

MR SINGLER: Oh it's been up half a dozen times and NUPE was here with a Brief.

MR EADY: Mr Thomas, I had a situation right in your constituency, when the old people's home was organized. Mr Flemming, the personnel man said to us why do you pick on us? And I said, because we know you're working under Section 89. So as a matter of fact, this operates against the fair employers like the City of Oshawa, who are prepared to meet their employees, the City of Toronto, the City of Hamilton, North York...all of them who are prepared to meet their responsibilities and bargain with their employees-it's heated at some times and quiet at other times. But the people who need collective bargaining, county employees and so on, they cant get it; and these employers are avoiding their responsibilities as public employers, and Mr Little and myself serve as council'ors, so we're not entirely unmindful of the problems of balancing the budget on the other side.

MR SINGER: No, there is no excuse for this Section.

MR LITTLE: Well as has been pointed out, in about six years, the only strikes we've had are recognition strikes, and I still suggest that about 99% of our work stoppages even now are still

caused by this one thing. It's a serious situation as far as we're concerned. As Mr Singer has just pointed out, there is lots of discussion pro and con...

MR SINGER: I have yet to see an argument in favour of keeping this but it is still there.

MR LITTLE: We were very happy when the Select Committee on this matter recommended this be repealed, and we thought this was the end of it.

MR EADY: The Minister said that the unanimous recommendations, but this was the only unanimous one that was not passed; all the others that were reviewed and unanimously recommended were passed- all but this one which was lost in the shuffle.

MR SINGER: I have heard no one defend it, but it's still there.

MR LITTLE: The only argument we've heard down through the years is that of local autonomy-municipal autonomy....

MR SINGER: A catch-all argument for everything.

MR LITTLE: I believe everyone is clear on that one. Our Item 3, Insurance and Hospitalization (reads) The Municipal Act is set out as follows:or the sub-paragraph (a)." (page 3, para 10) Of course since the Brief, there's been some changes in that respect, and we now have the Ontario Public Employees Retirement system.

MR THOMAS: By the way have you given any thought to that at all..the Retirement Plan or....what do you think of it?

MR LITTLE: We haven't analyzed it strictly as yet, but we do feel it is an improvement over the other and so on. Our one big complaint has been that we have no representation on the Board. Three people representing the municipality constitute the Board. We feel the employees should have a voice on that Board because a pension plan is a continuing thing, and if it is going to be reviewed, particularly when it's new, then the employee as such, should have a voice on it.

MR THOMAS: I would agree with that too.

MR BECKETT: Did you make any representations...?

MR LITTLE: Yes Sir, we wrote to the Minister and I believe he's going to grant us a hearing on this matter.

MR EADY: We hope to have a hearing through the Federation, because we're not the only ones involved and so we made joint representation. I wondered when we came down here today if it were possible to discuss this matter, because it wasn't in our Brief.

MR BECKETT: Don't feel you are restricted by your Brief.

MR EADY: Mr Chairman, the problem we've got here is that the government made provisions for representation of employees, which is very commendable. The only problem is that there is a rule that these employees or rather this representative on the Board has to be a member of the plan, that is to say, for example, we might find let us say, in the City of Hamilton a member who could sit on that Committee, because he would be an employee of the City of Hamilton; but if the plan is to be effective, the people representing the employees have got to have the technical resources of a union organization or a similar organization behind them in order to work effectively. If I am a member of a city council or a city employee and I am put on that Board, I've no actuary to work with me; I have no insurance adviser or consultant; I have no research department-I'm lost. And yet the way the Board is made up, it is made up of representatives of the government, who have all the resources of the Provincial Government; it has representatives from the municipalities, I think one of whom at least, must be a treasurer, so they too have the facilities of their departments, and the three employee members are going to sit there representing nobody but themselves, because they have no collective representatives; and there is a very strong feeling of our union and we had a meeting with NUPE about this, and they agree with us, that at least not all, because we don't want all necessarily, but at least two of them should be named by the two unions which have the overwhelmingly the membership in this field, namely ourselves and NUPE. In this way we could put people on a committee on a continuing basis because this means that the whole question of pensions which we have negotiated with the city, is going to be completely taken out of coll-

ective bargaining, and we're going to have a plan imposed on us- a good one, Mr Chairman- a good plan- but we're not going to have any say in the future and our members are not going to have any say. So that's our feeling and we're going to express this to Mr Cass.

MR SINGER: Certainly this whole pension field is far too complicated for any ordinary layman to understand.

MR LITTLE: Yes. I find great difficulty negotiating with the municipality on this and I find the people acting for the municipality have the same problem-it's a specialized field. Now we want to call attention to this (a) in our Brief, (reads) "No by-law under thisthe employees" (page 3, para 6).

MR BECKETT: How does this...is it a 50 - 50 proposition or what?

MR EADY: It is not actually spelled out 50-50; it's 5% for the employee and 5½%...

MR BECKETT: It would have to follow the statute.

MR LITTLE: Right and that is what our complaint here does imply. We say the same things should apply, restrictions should be lifted and it become a matter for negotiation with the municipality as to whether they pay 50%, 75% or 100%.

MR BECKETT: Permissive.

MR THOMAS: Mr Chairman, I'm in favour of that because I'm working in an industry that is paying 100% now.

MR BECKETT: You contribute the same amount.

MR SINGER: No, he contributes nothing.

MR EVANS: Public Utilities, don't they have a....

MR LITTLE: The Municipal Hydro Plan, the employees working in Hydro get 7½, 2½ and the employee working in the municipal get 5, 5, and this always creates a problem.

MR THOMAS: Oh, you're talking about pension-oh, I wasn't-that's different.

MR BECKETT: What's your pension scheme in General Motors?

MR THOMAS: It's paid by the General Motors, but it is an indirect contribution on the part of the men, because it's part

of their fringe benefits that they've won across the bargaining table, but they have no interest in it at all.

MR COWLING: But the company pays it all.

MR THOMAS: But it is part of our benefits.

MR BECKETT: But you have no vested rights at all.

There is no deduction, is there?

MR THOMAS: There is no deduction, but as I say it is part of our benefits that we won across the bargaining table.

MR LITTLE: You are making your contribution, I would suggest; it is being calculated against you, either your earnings or your base pay rate....

MR COWLING: This union, did we ask them the question are they all municipal employees?

MR LITTLE: Not all, but they're all public, no federal, but mainly municipal.

MR BECKETT: What about the jurisdictions outside the province?

MR LITTLE: We have our jurisdiction across the country, we have the municipal employees in Winnipeg, in Montreal and so on, across the country, but our jurisdiction in the Congress is termed to be public service; we don't have federal jurisdiction recognized by the Congress.

MR COWLING: What kind of provincial people would you have in your union?

MR LITTLE: Ontario Hydro is a large one; we have the Hydro in Quebec, Manitoba Hydro.

MR COWLING: Do you have any other provincial people but Hydro in Ontario?

MR LITTLE: No, I think that's the only one-the only provincial people. Now the employees of the Workmen's Compensation Board are organized, and their application was before the Labour Relations Board only to be told they were agents of the Crown, and were therefore excluded under the Crown Agency Act. And the operators out at the vegetable market- the lift operators- they had the same problem and some other groups. That's one of the reasons why the provincial

organizations are almost...well just nil. So I think, Mr Chairman, this complaint of ours here in the main, is definitely one of restriction, regardless of whether it is health welfare or pension.

MR BECKETT: But you still like the idea of having some vested rights though?

MR LITTLE: Oh yes, I do. I wouldnt even disagree with this man on contribution towards pension; I think those contributions are always there, and I would say it makes the employee aware of what he's got; it makes him feel he's participating, contributing and he will appreciate it the more.

MR EADY: There is a real difference between the pension and the hospitalization program. The trend in collective bargaining as shown by the Bureau of Statistics is very much towards 100% payment of hospitalization, Blue Cross, PSI, these type of benefits....

MR COWLING: Is there any reason for that? Why should that be? Why should the company pay all of that?

MR EADY: The argument or the reason for this trend? (both) Well the reason for the trend is that it's something that if you get it for the employee, sometimes it involves even getting the plan itself; and if you can sell it to them on the basis of a fringe benefit...for example, we settled one contract the other day where the men agreed to take slightly less in money, in order to get this, and this is very often the case. In fact where you have agreed to say, 10¢, and then you say OK, we'll accept 6 or 7¢, and the 3¢ will go to fringe benefits. And why is it? I dont think there's any real reason except that in some cases, in big organizations, it simplifies the book keeping. We've even had city treasurers tell us, well if we do it, and it's part of our wage cost, we might as well pay it and give you less of an increase the year we introduce it.

MR COWLING: Well then it isnt really something that the unions have gone all out for?

MR EADY: Some unions have. Mr Thomas' union has a policy of going for 100% medical payment. (chit chat re other auto companies, Ford etc)

MR LITTLE: In other words, if we put in a better health, welfare and pension plan, it obviously includes everybody, and you don't get much opposition even from the City Clerk.

MR EADY: And it may be a comparison with the provinces; you take the Quebec Hospitalization Plan, and now I believe the New Brunswick Plan--there's no premiums at all, so then you get comparison across provincial lines, where people working for Gatineau Power for example will be free of premiums because it's paid out of general revenue, whereas in Ontario there's a premium; so therefore Ottawa Hydro will go to try to get 100% to bring themselves up because they have people living across the river. There is no doubt about it the senior officers of municipalities can benefit from the collective bargaining, and by agreeing to this.

MR LITTLE: We had the mayor of one of our major municipalities tell us one time; we went in for 12¢ an hour increase, and he said, if we give you anything like 12¢, the papers here are pretty rough on us--there'll be a rukus. So go back outside, talk it over with your committee, and come in with a lower basic increase, and more fringe; so we went out and increased 12 to about 13 or 14, and got it. And the papers said, the employees win better health and welfare fringe benefits.

MR BECKETT: I think it's the fringe that counts.

MR LITTLE: Seriously and all kidding aside, this is very closely calculated. I bargain for most of the major hydros the municipal set up; and that's down to the fraction of the cent calculated into the hourly costs. They can tell you exactly what the fringe benefits cost the firm hourly; because in that we're always using the electricians rate as opposed to the linemen. The lineman's rate is maybe \$2.70 and the electrician's is \$ 3.50, and they calculate this in...

MR SINGER: I tried to use the Hydro rates on behalf of the Firemen.

MR LITTLE: Now Mr Chairman, we're not asking that this be made 100%; we're asking that the municipality be free to

to make it 100%, if the municipality wishes; we're not trying to get you to impose a policy.

MR BECKETT: Permissive. (right)

MR LITTLE: Our Item 4 is the Code of Ethics.

(reads, page 3, para 10) "As a union.....in local newspapers."

MR BECKETT: Right here, is there no restriction?

MR LITTLE: We're not proposing a restriction, no; if you can find a great white father...(laughter)

MR MORROW: What purpose would it serve except to satisfy the curiosity of those who want to know every dollar that you spend? (all talking at once)

MR LITTLE: Maybe someone is accepting a large amount for some ulterior purpose- maybe a contractor.

MR BECKETT: Do you think, Mr Little, though that that wins elections?

MR LITTLE: Well I don't know how much winning it does, but definitely I think that the best interests of the public if the people...

MR COWLING: How do you mean the best interests of the public would be served? What difference would it make at all? If I were running for an alderman-I have never run for an elective office before, and I don't know what it's all about, and some joker comes along and says: Here's \$1000 for your campaign. And I say: That's dandy, I need the money and there it goes for blotters and pamphlets and radio and so on; and I get elected. So what? What's he going to do about me?

MR LITTLE: I don't think it's really that simple; if he gave you the \$1000, he'd have to have some reason.

MR COWLING: Well why? I don't know about it; I just take the \$1000 and buy blotters.

MR SINGER: If it's open and above board, why should there be any secrecy about it?

MR COWLING: Why should there not be? I mean what difference does it make to me or to my supporters whether I say where

I say where I got the \$1000 or whether I dont; it's really my business, isnt it?

MR EADY: Supposing you were running for a council in a particular location, and coming up in the next year was going to be a development of the kind the Don Mills was, Peel Village, this type of development right in the municipality, and the person gives you that \$1000 is the person who's going to do that development. You are bound to be influenced by that and you are going to come up for re-election and you're going to need some more money; and I say this as a person who has run for municipal office; you've got to find the money some where to run your campaign.

MR COWLING: Have you run for municipal office? (yes) Were you offered any money? (oh yes) Did you? I never did-that's why I said that. I never had anybody offer me a dime municipally to run ...I'm very green, I guess. But if somebody came along with \$1000, I would certainly take it and ask no questions.

MR EADY: The point I'm concerned with, Mr Cowling I dont object to the person taking the \$1000; but if I take the \$1000 and run in Don Mills, and the man wants a liquor license... (all talking and joking) the point I'm making, Mr Chairman, if I'm running in North York and I've received \$1000 from Gooderham and Wortz, then I would be influenced in my voting on whether there is to be a referendum on liquor.

MR COWLING: Why?

MR EADY: I would have to.

MR COWLING: I dont know Gooderham & Wortz from a load of hay; they think I'm a good fellow and they give me \$1000. Now how is my vote going to influence Gooderham and Wortz-that's what I'd like to get the answer to. I dont know them and I dont care about them. Now what difference is it going to make to me. These people are not noted for going around and giving \$1000 around. It would be a whole lot different if it were somebody out in High Park, like my grocery store man that I go to every week and buy groceries and he says you're a good fellow and here's \$500 for your campaign. Now am I going to vote to influence my grocery man?

MR EADY: It might be he wanted a parking lot and wanted your support.

MR COWLING: Well I'm sure I'd support my grocery man whether he gave me the \$500 or not. (chit chat and laughter)

MR LITTLE: I was a candidate in North York and I was offered money with strings. (all talking)

MR EVANS: If you had taken any money, would it have made any difference to you in dealing with matters of council?

MR LITTLE: I think it definitely would; I don't think I could take the guy's \$1000 and obviously vote to cut his throat. I'd feel committed.

MR MORROW: In the provincial and federal elections, you have a finance committee and I don't know who donates to it, and I don't want to know who they are.

MR EADY: This is beautiful Mr Morrow, but you really can't do it that way; if you're going to run for municipal office across this city, and I've been on finance committees for people running on a city-wide-for Board of Control; and if the organization is not an autocratic one, but a democratic one, the Finance Committee reports to the organization, and the candidate knows very well that somebody has just come across with \$500; now if he gets mad at you, he can remind you that he paid \$500 to your Finance Committee.

MR SINGER: Even apart from individuals, to be perfectly fair, the various labour groups in municipal politics who have supported people for municipal office, and they're turning on that party if they haven't taken the labour stand in every issue.

MR EADY: We publicize the money collected and the money we give to them, and they're our endorsed candidates, and people know that, so therefore, when one of our people gets up and speaks, people know he's speaking on behalf of an organization which is supporting him financially.

MR COWLING: Well that's a different thing in trade unions, because we assume that labour is going to support the NDP, that's it; other sectors are going to support the Conservatives and

the Liberals, but your people are going to support the NDP; after all it is an association of labour people.

MR SINGER: Not at all-you cant assume that.

MR COWLING: Now the point I'm trying to make is this, if somebody gives me some money for my campaign, for example, my grocery store fellow, or my jewellery man-all the people I know intimately, and they give X dollars to my campaign. Now I'm not going to list all those people; they don't want to be listed, and I don't blame them.

MR LITTLE: That kind of thing isn't the intent behind this though?

MR COWLING: Well, what is the intent, Mr Chairman, that's what I'd like to know.

MR EADY: Big chunks of money...

MR BECKETT: Do you assume that every person who is elected...do you assume that human nature is that weak that they're going to be guided by that when they get in?

MR LITTLE: No, definitely not.

MR EVANS: The guilty ones are very often the ones that know how to cover up.

MR LITTLE: That's the real reason of having it made known and the \$10 that comes in anonymously, nobody is going to think anything about the \$10; but if \$10,000 comes from an operator, then that's the...

MR COWLING: Who in the hell gets \$10,000; that's what I'd like to know...

MR THOMAS: Some of them get it...

MR COWLING: Well I'd like to know because I'd like to get to know two or three of them...(all talking)

MR GORDON: Could you pinpoint some of those who gave it; it is said they gave it and they say they didn't, so what?

MR EADY: Let me take an example in this city; if you're going to run, and this is one of the reasons I favour it, apart from the union, I favour this on election expenses. It's got to the point now in the City of Toronto, if you want to run for Mayor, you've

got to have not \$10,000, but several tens of thousands, and there should be a limitation on expenses for elections.

MR GORDON: I agree.

MR BECKETT: Why, why...if I wanted to run for Mayor why do I have to have \$100,000; I could still run.

MR SINGER: Yes but you wouldnt have a chance of getting elected.

MR BECKETT: Oh, I dont know, I dont think it's only money-it's the person.

MR EADY: It isnt only money, Mr Chairman, but it helps to buy advertising and organization.

MR MORROW: You can spend a lot of money if you want to use TV; you can spend \$50,000 on TV very handily.

MR EADY: And billboards too are very expensive.

MR BECKETT: Can we get back to the Municipal Act.

MR LITTLE: We are suggesting the public know how much money was being spent on election expenses. And now (4)(repeats) "That the central.....in some recent cases." In other words, you are policing ...

MR BECKETT: So that your members have a string around them...(no) that's not really democracy is it?

MR LITTLE: Well what's the use of having a Municipal Act where the Dept of Municipal Affairs of this province delegates or alleges certain authorities to a municipal authority to lay down what might be termed for lack of a better word "permissive legislation" and then nobody polices it. I think the Dept of Labour polices their section; they have an inspection section and they go out to an employer and say: you have to do this and you have to do that or we'll close it down. We say the Dept of Municipal Affairs should also...

MR BECKETT: It's full of restrictions too; it's says the council, in dealing with this, may....permissive.

MR LITTLE: Yes, may only do that. We're told when we go to the Dept...I have been told two years back, in one partic-

ular case, when I raised the question that here's a municipality- they're paying no heed at all; they're going ahead and doing what they like, and they said: Well it's not up to us. We don't police the thing.

MR SINGER: The best example of that is the situation in Belleville, when they were in that position, the Dept wrote a letter and nobody answered, and they went ahead and forgot about it. (chit chat re Belleville)

MR LITTLE: The taxpayer in the municipality can make the council responsible but the Dept won't. They say, here's what should be according to the statute; it's up to you, the taxpayer, to do this.

MR BECKETT: Mr Little, you believe in democracy?

MR LITTLE: Yes, I do but democracy also has responsibilities. I think democracy is not a one-way street. I think there is a certain local authority, certain powers by statute, but part of our democratic way of life is also policing it.

MR MORROW: You could get to the extreme in that you could get to be a Gestapo in other people's business.

MR SINGER: It could be overdone; but that's not the answer to it. It isn't being done at all.

MR THOMAS: If you check the report of the Minister, if you go over it, you can find that some 30-40 municipalities have not reported since 1959 and 1960. Now I think there is a responsibility of the government, and the tremendous amount of grants they give to the municipalities, they have a responsibility to see that the money is spent wisely.

MR COWLING: But on the other hand, Tommie, if you have 1000 municipalities, and you say 40-50-they're probably some little two-bit outfit back beyond that doesn't even have an auditor.

MR SINGER: They have all got to have an auditor.

MR THOMAS: They have not reported for two years.
(chit chat re reports)

MR LITTLE: (repeats) "We are aware.....incompetence."

I think that you can carry anything to the extreme, but the Dept of

Highways devotes a tremendous amount of money to municipal works, and the other departments also, there should be some way of....

MR EVANS: Those books are all audited by government auditors.

MR BECKETT: And more than once a year too.

MR TAYLOR: Mr Chairman, in respect to (3), real estate agents on Planning Boards, I note that there is representation in from the Ontario Association of Real Estate Boards to the Minister of Municipal Affairs, Mr Warrender, and it has a resolution of the association that Planning Boards are encouraged to invite realtors nominated by the local real estate boards to be members of the Planning Board; they think they can make a worthwhile contribution. Now there's the other side of the coin, and it is interesting to see the reply of the Minister to Mr Nash, Director of the Community Planning Board, and he ends up saying that a number of cases that municipal council has seen fit to appoint realtors to membership on planning boards; no doubt these persons have made and will continue to make a worthwhile contribution. Now this is the other view on that.

MR THOMAS: He didnt underline the word "in perpetuity!" (laughter)

MR EADY: One of the problems you have there is, if for example I'm a real estate man doing business in the City of Toronto, and I live in North York; there is really no problem in putting me on the North York Planning Board. But if I'm a realtor doing business in North York, then there can be a conflict of interest. Now there have been several examples of it around the province and you've got to draw the line somewhere, as Mr Beckett says, letting council run its own business, and recognizing that in a modern complex municipality, it is extremely hard for a citizen or a group of citizens as York Township showed, to overcome a situation which has developed over a period of years where by-laws have been broken and neither the township nor the Dept have done anything about it.

MR SINGLER: I think your (3) is too sweeping; I dont

know that you're really going to achieve anything by taking out a group, because I think to be reasonable, you've got to presume that people are honest until they show otherwise. And most people are honest, and you can't take, say a real estate agent; there is nothing to prevent who has no office to find out about real estate information. Just to say that all real estate people should be ruled out because he has a possible conflict of interest, is going a bit far. The same argument can be made about a lawyer, because a lawyer has or can have a diversity of interests all over the place.

MR BECKETT: Not only in real estate, but also in a lot of other things.

MR MORROW: I'm a real estate agent and I don't see any possible way I could have any...

MR COWLING: But you're never there. (laughter)

MR MORROW: I can see a real estate agent who may be a developer, then he could have some conflict maybe; but the normal real estate agent, I don't see how he could do anything which would aid him at all.

MR EADY: Now this is one of the reasons that we said at the beginning that we didn't say this was to be the wording. Now obviously we could sit down and try out this Committee's suggestions, this type of wording. The School Board case in Ottawa is a good example of a conflict of interests...a connection between the purchase of land and so on; this went right on in Ottawa.

MR SINGER: But this has nothing particularly to do with the occupation of these people; this has to do with the person's character and the personal approach to the thing. Most people, I think are honest but some will take advantage of a situation; but you're not going to define them by putting a label on an occupation.

MR EVANS: In many municipalities, if you didn't have these people running for office, you wouldn't have anybody at all; and the majority of the small municipalities, they have to rely on the real estate man or the local grocer who might sell two bucks worth of groceries to the town or something like that.

MR COWLING: Mr Chairman, just on that particular

point, Mr Little and Mr Eady say they've both run for municipal office at some time or another. The average fellow that feels he should run for municipal office, he's not going to be guided by the touches that he's going to get for his campaign. I think that the average fellow that runs for municipal office is going to run because he thinks he can do a job for the people. (all talking)

MR LITTL: I agree with you whole heartedly; I deal with councillors from one end of this country to the other, and I find some pretty fair joes, who are out to do the very best they can. That is most of them.

MR COWLING: Most of them; I would say it is the exception- the exception that may not be like that. Then you're going to tie that fellow down to some of the things that you suggest, dont you think we're going to eliminate a lot of them. They'll just say, Well, to hell with them, I'm not going to be bothered with that; there are too many restrictions, even though I would like to do a job for the people in my neighbourhood.

MR LITTL: Well would you agree then, that a man should not be placed on a board where there is obvious conflict of interest, in other words where he has a financial or personal interest.

MR COWLING: I agree to that.

MR LITTLE: Well that's all we're really after.

MR EADY: Here is an example, Mr Chairman. When I was on the council, I refused to work on the committee which was the bargaining committee; because I didnt think, as a union man, and especially a union official, should be sitting on a committee that was dealing with a union.

MR MORROW: No, he'd be biased.

MR SINGLER: Either he'd biased or he'd lean over so far backwards to be fair that he'd run into trouble with the people who put him there.

MR EADY: As a labour representative, I can work on another committee where there is no conflict of interest-so why go on a committee that will run you into conflict.

MR BLACKETT: Do you mean to say you can't divorce yourself? When you're elected to public office, you take an oath?

MR LADY: I can, but I must appear to as well.

MR BECKETT: Referring to your own example, you say you refrained from sitting on a committee to deal with labour matters. I would think you should be the one to be right on there, and the fact that you've taken your oath of office, I say is sufficient that you would act according to your best conscience for the people, not to be biased because of your position.

MR LADY: I agree with you and I hope I would, but I still say not only have I got to be doing it, but I've got to appear to be doing it; and I appear to be doing it by not taking that.

MR LITTLE: I think there is some argument to what you say, Mr Chairman, and as Mr Singer has pointed out to get the best brains and experience of these people and put it to good municipal use is good. On the other hand, there are some obvious cases where there is.....

MR BECKETT: Where there is bound to be conflict. I think we thrashed that one out. (laughter)

MR LITTLE: And now we'd like to come to Item 5, Contracting-out of Work. And this is the serious one with us. (reads, page 4, para 7) "In recent years.....these provisions."

MR SINGER: That word "union standards" what is that?

MR LITTLE: Fair wage. (continues, page 5, line 1) "Our National Union isof collective agreement."

MR SINGER: This is a little fairer approach, much fairer approach than other approaches that suggested there never be any contracting out under any circumstances. And I agree with this; I agree with points one and two. Point three, I think I would scratch my head a little bit. If there is going to be contracting out, it should be done under fair wage conditions, and also fair labour conditions.

MR LITTLE: I think we could live under those points. We aren't saying that there aren't occasions when contracting out may

be practicable and sensible. We've had this when there's a one time one shot job to be done, and they don't want to hire a bunch of employees to have to lay them off...but that's not the problem. We're finding now they're talking of contracting out garbage and....

MR BECKETT: That's being done now.

MR MORROW: I don't go along with that at all. In the City of Ottawa, they're doing it now and saving the city a lot of money.

MR THOMAS: If the city wants to contract out, Mr Chairman, then I think there should be some provision made for the employees.

MR LITTLE: We think that a well administered municipality with supervised staff can render the best service and the best dollar value to the tax payer, and you have great control over your affairs, much more so than you do under the contracting system. We think, too, you attract a much better employee into the municipal or public service by having something of a career service as opposed to the more or less casual type of work.

MR BECKETT: Well outside of garbage, what other services are contracted out?

MR LITTLE: Sidewalks, roads, sewers....

MR BECKETT: Oh, I thought you meant just services.

MR LITTLE: Well they're contracting out everything in the way of water services.

MR SINGER: Do you mean an engineering staff and so on? You can take any of the suburban municipalities in Metro, North York, Scarborough and Etobicoke...the large ones, you couldn't possibly keep an engineering staff sufficient to engineer all the works that have gone on here in the last ten years. You'd have every engineer in the province nearly working for the municipality.

MR EADY: You've basically got to do, Mr Singer, what Metro does; I work for Metro in the roads department, and they have a staff there which can do, handle, the sort of ordinary work a municipality of this size is doing. Then above that, they use Margison...they use all sorts of other people. The same with Hydro. Hydro will have a new development, and have to do a whole lot of wir-

ing and pole erecting and all that, all of a sudden for a particular development, and then it's going to be over; so they hire the people for that job, and then the maintenance and the continuing work in that district is done by the Hydro Commission. This is the type of approach. I don't think that any responsible union can say: No, we don't want any contracting out. I think we have the right to expect the municipality should not want to save money by doing as Koffman did, which was to cut substantially the wages and working conditions of the employees of the garbage dept of the City of Ottawa, and raise the price to the business men by charging them for collections, which the city never used to. We feel very strongly about this. We have many large contractors who are under union contract themselves. You can't justify no contracting out, period. But reasonable wages and working conditions, recognition of long service; this we think as a union, we can ask for.

MR SINGLER: I agree.

MR COWLING: Did he not do that in Ottawa?

MR MORROW: I don't know; we had some trouble there but I thought it was all straightened out.

MR LITTLE: He sure did; they had a strike. No, they haven't got it all straightened out yet.

MR MORROW: I know the garbage service is better.

MR GORDON: I know the Provincial Works Dept have a tremendous amount of contracting out--so much so that the whole staff of certain municipalities were working for the Works Dept and had worked there for many years, now they are all gone. We had a staff in Brantford, painters, carpenters etc, now this work is all contracted out.

MR MORROW: Mr Chairman, as you know there is a very interesting conference going on in this building now, with all this public works, and I had occasion to hear about it yesterday, and they've come to the conclusion that they can save money and get better, more efficient work done by contracting out, than all their Public Works projects....

MR LITTLE: I'd be interested to see a long range

survey on that. (chit chat)

MR LADY: I think we should be prepared to take a case on this; how can we possibly as a union defend an inefficient garbage department? Now when we went to Hamilton City Council and asked them not to contract out their garbage; we did it by showing the price per ton of garbage collection in the City of Hamilton was lower than Koffman's in Ottawa. And we persuaded the Council on that basis. It's our responsibility inside a union to see that our men give a fair day's work for a fair day's pay-our members. Now we have a program of what I call public service to try to get across to our people they can't be expected to be protected against contracting out, if they're sitting down on the job. But on the other hand, if they're doing an efficient job, and it's an efficient department, ...in Winnipeg, for example, we have a very large garbage department; it's one of the most important sections of our union. The City Dept came to the union and said: We would like to improve this. We have offers of contracting out, and the cost is too high. And our people sat down -the President of our local- and they worked out a 2-shift basis for the garbage collection, so they could use the equipment, and get more efficiency. As a result of that, the city have accepted this proposal from the union as a means of avoiding contracting out, and to keep the people working. Now I'm sure, Mr Chairman, you gentlemen will agree, the union is always prepared to sit down with any municipality that is finding a high cost operation, and say: Do you want a labour-management committee to streamline the operation.

MR SINGLER: And as municipalities get bigger, many of the municipal departments can get very sloppy; there's no doubt of that.

MR LVANS: Do you think there should be a minimum wage for males? (yes)

MR SINGLER: Where does the jurisdiction of NUPSE end and NUPR take over.

MR LITTL: We have an absolute parallel; we were the old CCL union, and just prior to merger, the CLC took its chartered locals and made a union called NUPE out of them, and they

created a parallel union. There is a good indication now of the merger of the two unions, probably by the end of next year.

MR THOMAS: What will be your total membership then?

MR LITTLE: As it stands at the moment, it would be about 88,000. They have better than 50,000 now and we have over 30,000. It would create the biggest single affiliate of the Congress, but more important, I think, it is coming into its own as the Public Service Employees. I think they're a good stable type of individual, quieter, tax paying types, with a home and kids. (chit chat) I think that we being a big union and having some influence in the Canadian labour scene as such, will be good.

MR COWLING: What's your office?

MR LITTLE: I'm President of NUPSE, a full time officer of the union, an elected full time officer.

MR COWLING: You are elected by the membership? (yes) Do you work full time, Mr Lady? (yes) And you, Doctor? (yes) What kind of a doctor are you?

DR HIKL: I have two degrees, one in law and one in philosophy.

MR BLACKETT: We haven't heard from you, Doctor; is there any comment you'd like to make? (no, thank you)

MR LITTLE: I should also tell a little secret on him; he was also solicitor for the Dept of Highways for a good many years, purchased most of the property for the Dept for the Trans-Canada. (chit chat)

MR BLACKETT: Well Mr Little, the Committee appreciates your coming here and taking your time to give us your views on these subjects...

MR LITTLE: We have one little conclusion here... (reads, page 5, last para) "We would like.....municipalities."

MR SINGL: I subscribe to that.

MR COWLING: Could you give us one suggestion as to how we could reduce this number of 976 municipalities-what would you tell the little ones.

MR LITTLE: I was hoping you wouldn't ask that....

(laughter) I was an employee for York Township for a good many years and I've lived with this Metro annexation problem around here-I realize it's an extremely difficult problem. I think that the onus, though, has to lie with the provincial government in pushing, shoving, pressuring, twisting if you like, but it has to come, because I've travelled a lot in the States, and talked to Zander of the Public Service Unions there, and he was asking me about this; and he thought what we have here and the way we're going about it is tremendous; they can't do a thing down there. There's sometimes 10 and 12 distinct municipalities within one, and their autonomy is such there is no machinery, no mechanics whatsoever to cope with it...

MR MORROW: A catch system.

MR LITTLE: Yes, a catch system and it's horrible.

MR EADY: I think you do it in a series of steps, Mr Cowling; you try like Burlington was created or the enlarged City of Sudbury was created from McKim and so on, and this type of thing which is done by a combination of cajoling and pressuring by the Municipal Board. When things get really tough, it has to be Bill 80 or its equivalent; in the rural areas, the important thing is to re-structure the county councils as in England which is extremely efficient; it enables the smaller municipalities to handle their personal service, those close to the tax payer. The county council is the education and highway authority, and it is directly elected and not indirectly elected.

MR BECKETT: In other words, a common council.

MR EADY: That's right. And I think you have to have a look in the urban districts to do the type of amalgamation that has gone on in St Catharines and Sudbury. (chit chat)

MR LITTLE: We sympathize with you and hope you will find the answer-it's a difficult problem.

MR BECKETT: We will. Thank you again for coming.

MR LITTLE: Thank you for your kind attention.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE THIRTY-SECOND MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

WEDNESDAY,
 SEPTEMBER 26th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

CHAIRMAN

MRS H.G. ROWAN, C.A.

Secretary

MRS E. LATON

Asst. Secretary

J. A. TAYLOR

Solicitor

M. R. SLOAN

Director, Mun. Assess.
 Dept Municipal Affairs

MEMBERS:

Alfred Cowling
 Arthur Evans
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer
 Thomas D. Thomas

APPEARANCE:

J. D. Hilton, Q.C.
 Dennis Latton - Police
 Sydney Brown
 Nelson Corbett
 Inspector Richard Lewis
 Sgt Arnold Lea
 Lloyd Gibbs
 Inspector A. E. Armstrong

R.S. Chambers - Fire Fighters
 Ben Bonser
 J.W. Thomson

PRESENTATION:

BRILF - METROPOLITAN TORONTO POLICE ASSOCIATION

METROPOLITAN TORONTO POLICE ASSOCIATIONHOLLIS E. BECKETT, CHAIRMAN

MR BECKETT: Mr Hilton, would you like to introduce the members of your delegation.

MR HILTON: Thanks, Mr Chairman, I have here with me members of the Police Association (introduces members) We are pleased to have associated with us here this morning, Mr Dennis Latton, newly appointed full time Administrator of the Police Association of Ontario, which represents some 8000 policemen throughout the province, and we feel in this regard we are not only speaking for ourselves, but we believe for police forces generally. We have with us Inspector Richard Lewis, the President of the Senior Officers Association; and we are particularly appreciative of the support of the Fire Fighters, who are here with us today, and I will mention some correspondence I received from them in support of the position to be taken this morning (introduces the Fire Fighters) Now, Gentlemen, this is like shooting in the dark; we dont quite know why we're here; because we dont know what we are in fact fighting, or what we are up against. Our only knowledge of these proceedings, and that any representations that might be made to this honourable committee in relation to a possible change in the Police Act, was ascertained by us, Mr Chairman, only through the pages of the daily newspapers. We have therefore, no knowledge of any Briefs or any submissions that have been made by any authorities or any groups in relation to any change. And it may be, and indeed I hope it is so, and I regret if it is so that we are taking up your time unnecessarily, because if you're not contemplating any changes in the Police Act, we're quite happy.

MR SINGER: Of course, Mr Hilton, you are aware that we dont really contemplate any changes in anything. We can only cogitate and recommend.

MR HILTON: Yes, Mr Singer, but I've noticed your cogitations in the past...you usually cogitate with a purpose; and we would hope to recommend that...at any event we are under the im-

pression that there has been sought, and indeed we don't know by whom, and amendment to Section 27 of the Police Act, which presently reads:

1. When requested in writing by a majority of the full time members of the police force, the council of the municipality, or where there is a board, the board, shall within 120 days after the receipt of the request, commence to bargain in good faith with the bargaining committee of the members of the police force, for the purpose of making an agreement in writing, defining, determining and providing for remuneration, pensions, sick leave credit gratuities, or working conditions for members of the police force, other than the Chief Constable and any Deputy Chief Constable, except such working conditions as are governed by regulations made by the Lieutenant-Governor-in-Council under this Act. We are informed that there is a desire, and it has been expressed to you to amend this Section, by adding thereto the words "rank of inspectors and above" ...something like that, so that the last part would read: "determining the working conditions of the police force, other than the Chief Constable and any Deputy Chief Constable and Inspectors."

MR BECKLTT: That's right.

MR HILTON: This is our concern. Now the exact terms of reference of this Honourable Committee, I'm afraid I do not know-perhaps I should.

MR BECKLTT: Mr Hilton, Mrs Rowan will read them to you. (Mrs Rowan reads the Terms of Reference) All related Acts.

MR HILTON: We are not one of the named Acts, but we come under the generic of "All Related Acts". It would be my hope, Gentlemen, that changes would only be such changes as would resolve frictions that may have arisen. I'm sure this Honourable Committee is not interested in making amendments in a smooth working organization. I have had the good fortune to act for the Metropolitan Toronto Police Association for now about six years, and in that period of time, I have heard of one consideration by the Board of Police Commissioners-submissions to be made in relation to this change. But in our course of bargaining, and bargaining has gone on each year, there has never once been a request in bargaining made by the

Board of Police Commissioners for any alteration in the bargaining unit or any suggestion by them that there should be any change. This, of course, it could be said, couldn't be done by the bargaining unit because we're bound by the statute anyway, but there's never been an area of friction here; and as I say, they've never mentioned it to us, and we do not understand there to exist any area of friction now. We know of no complaints; none have ever been made to the Metropolitan Toronto Police Association, and with me, this has not ever been raised. In appearing here, this morning, Gentlemen, on behalf of the Metropolitan Toronto Police Association, I have the pleasure to represent some 2700 men, and these are persons who are now paying dues into the Association, and they include uniformed personnel, non-uniformed personnel, that is employees of the police force, such as mechanics, linesmen, clerical staff that are not required to wear a uniform; and include all ranks of that force, and I might say, include in our membership, our Chief of Police in the City of Toronto. Now we do not bargain for the Chiefs and the Deputies, but they are members of this Association, and as such, I'm speaking for an Association which includes them, that is all ranks of the Metropolitan Police Dept. I might say this matter has been discussed, since it was raised here, with the Executive of this Association, and through the Executive, with the membership; and we are here to unanimously oppose any change or amendment in our bargaining unit.

MR BECKETT: Just there, Mr Hilton, how many inspectors would there be?

MR HILTON: I understand there's 76 district chief staff inspectors.

MR COWLING: Mr Chairman, this has been mentioned from time to time; it's never been just clear in my mind who is promoting this change if any?

MR HILTON: This is what I am saying, Mr Cowling; I have no idea at all. But I would like to know.

MR SINGLER: Apart from who, why? You have no idea why this is being done?

MR HILTON: I have no idea why; all we saw, Mr

Singer, is what we saw in the newspapers that submissions were being made in this regard; and if we know why, then perhaps, we could perhaps counter the arguments or argue with them.

MR COWLING: If it doesn't come from members of your Association, who could it come from?

MR HILTON: It might come from the Board of Police Commissioners in Metropolitan Toronto; or it might come from the Metropolitan Toronto Council.

MR COWLING: Is there any connection or tie in with the Fire Fighters; if they would be encouraging such a move, it might benefit them.

MR HILTON: I have here letters from the International Association of Fire Fighters, Provincial Federation of Professional Fire Fighters, and the Toronto Fire Fighters Association, all opposing any change in our Act, inasmuch as it might be the thin edge of the wedge to constitute a change in their bargaining committee and indeed the Officers who were good enough to write these letters are here in the room today to support and back up what they have said.

MR THOMAS: You say the Chief of Police and Deputy are members of this Association?

MR HILTON: They are, Sir. We do not bargain for them, but they are members of the Association.

MR THOMAS: Would that be fairly general over Ontario?

MR HILTON: I think it would. You see, police forces by and large, including the Chiefs are the same. The Chief started as a constable once, and was a member of the bargaining unit, and received the benefits of the unit, and so has passed through it on up through the scale of things...there are certain brotherhood type benefits of sick benefits etc, that these people receive, though they are not by statute in the bargaining unit.

MR SINGER: Has there been any suggestion that this has come from the newly constituted Police Commission?

MR HILTON: No, not that I know of. As a matter

of fact was raised, Mr Singer...this appeared in the paper a year and three or four months ago, and at that time the Ontario Police Commission had not been formed; it pre-dates that.

MR SINGLER: Well would there be any suggestion of this sort of thing in the Silk Report which brought forward a number of new ideas that the Police Association once disagreed with.

MR HILTON: No, no.

MR COWLING: Well this was discussed with me personally long before the Silk Report...

MR SINGLER: Well of course there were a number of things that the Silk Report suggested that had been kicked around for a number of years.

MR HILTON: You are quite right, Mr Singer, but this had nothing to do with the Silk Report. (chit chat)

MR BLACKETT: We got a Brief from the Police Association of Ontario, but we won't go into that.

MR HILTON: No, but I presume from my contacts with them, that they are substantially in accord with our position that the bargaining unit should not be changed.

MR BLACKETT: Mrs Rowan, will you read that paragraph?

MR ROWAN: "The Police Association of Ontario, being aware that this Committee has received a recommendation that the rank of Inspector be removed from the bargaining unit of the Police Act, wishes to submit opposition to any such contemplated action."

MR COWLING: I wonder where that came from to them.

MR HILTON: Their secretary came to my office with the then president of the Metropolitan Toronto Police Association, and it was at that time, and really through this Association, that the first discussions were had, but they were based on a newspaper clipping that was produced to me, and appeared in one of our Toronto dailies.

MR THOMAS: Was this the subject of a discussion of the Ontario Mayors and Reeves or any of those Associations? I think that's where it came from.

MR COWLING: We have that copy, Mr Chairman, maybe

we could check it back. Would there be any reason why the Mayors and Reeves would be promoting such a thing; would it benefit their municipalities to have the inspectors out.

MR HILTON: The only thing I can say and I will deal with it in my Brief is divide and rule.

MR COWLING: Well certainly when you speak for all police in Metropolitan Toronto and there's the Ontario Police Association opposing it, I think it is pretty well opposed. (laughter)

MR SINGER: That isn't necessarily always the criterion.

MR COWLING: No, not necessarily, but it's very weighty with me, I'd say that.

MR SINGER: At this time.

MR EVANS: Mr Chairman, wasn't it Brantford's Brief?

MR BECKETT: This deals with the Fire Department - not the police.

MR EVANS: Maybe further in the Brief; I know it was discussed at that time. And we have discussed it here and it is in one of these Briefs about the Police too. I'm sure of it.

MR HILTON: If you'd like me to proceed while you're finding the source of this problem; indeed it would help me to know what it is. (proceed) Well as I had already observed, Gentlemen, the police force has promotion through the ranks up to the Chief, and these people who have achieved the rank of inspector and above, the Deputy Chief and the Chief, are persons who have been members of the Association and do receive still the benefits of the Association. Now the big problem is by inserting, say it is at the behest of Brantford, the word "inspector" into that Section, no one knows what a police inspector is. A police inspector in the City of Toronto may be quite different than a police inspector in the City of Brantford; a police inspector may be quite different in his duties in one city or another, because it isn't a defined concept. There is nowhere where they hire and fire; inspectors do have supervisory powers, but at times those inspectors are police constables; and at all times, they are sworn as police constables, and are obliged in addition to

the duties of supervision that they do perform, to act as constables; I can think of certain particular elements of our Toronto Police Force, where the inspectors act right beside their men in all capacities. And this is particularly true in the Detective Force; I have been talking- we'll name no names- to certain inspectors on our Detective Force, inquiring as to their duties, men in Breaking and Entering and the Fraud Squad; men in Homocide and they act right side by side. True, they are the ones who may say: You look there, but they're all acting as policemen on actual investigation of crime just the same as the constable. When you put a group of five or six men in the investigation of crime, someone has to direct that particular investigation, and he happens to be the inspector.

MR BLACKETT: Are the duties of an inspector laid down in the rules or regulations? (no) Where do you find them?

MR HILTON: I don't know.

MR COWLING: It might be a good idea for the Police Association to recommend to the Government a list of duties for inspectors at some time.

MR HILTON: This would have to be considered, Sir.

MR SINGLER: It would be equally simple as defining the "farm".

MR COWLING: I think they could do a better job than anybody else.

MR HILTON: In any event, their duties change from time to time. Now I cast my mind back to when the Shriners were here, and every available policeman were required to be on duty on the streets; and I saw inspectors directing traffic just the same as anyone else and keeping the crowd back. True he was directing his men in this regard but also he was not shirking his individual duty, sitting in an ivory tower; he was doing the job beside his men. We have in Toronto a public relations officer who is an inspector; he goes about the schools and speaks on traffic safety; but we also have officers who are perhaps even more eloquent than he is and do exactly the same thing. He is the senior among them. And so far as policy is concerned, an inspector is not even a maker of policy.

I dont want to belittle them; I have two of them and two of the best with us today, but they are under a policy that is laid down by the Chief and by the Board of Police Commissioners, and they exercise their duties within the directions that come from above much as an army officer would do.

MR MORROW: Mr Hilton, dont they appear before those bodies and advise them as to what should be done? Dont they act in an advisory capacity?

MR HILTON: On up through the command, they speak to the Chief and to the Chief of Staff...

MR MORROW: Dont they go before the Commissioners?

MR HILTON: On occasion, I should think perhaps they do in their own particular field.

MR MORROW: Wouldnt the Inspector on Traffic appear before them on traffic? Or before the City Council on traffic?

MR HILTON: No, no never, not normally.

MR GORDON: There's even an inspector of licenses.

MR HILTON: Yes, and there's an inspector out at the garage. There are all sorts of inspectors, and these are people who are all exercising certain supervisory capacities, but not policy and I dont think in any case are they empowered to hire and fire. Any authority to fire is first obtained from above. In the ordinary labour situation, if you are contending as to what is or is not an appropriate bargaining unit before Mr Finkelman and his Honourable Board, one of the large ingredients that is looked at by that Board is the power to hire and fire. And that power isnt here vested in inspectors or others than the Chief or the Commission. Now another thing I think should be pointed out, these duties of inspectors-we are considering them- they vary from branch to branch, the various jobs they do, detectives, public relations, normal district inspectors, and they vary from city to city; and we can conceive of a four man force in a small community, make up of a Chief, a Deputy Chief, an inspector and one policeman- all chiefs and no indians in that case; and then there'd be no bargaining unit. Now I dont say this would happen, but we were interested to note when an amendment was made

to Section 27 some time ago, and the words "deputy chief" were inserted in there, that there was a distinct increase in the number of deputy chiefs. Because again, there is no distinction, no laid down definition in the Act what the duties of the deputy chief are, and therefore, if a municipality wanted to be entirely dishonest, which

I don't suggest any of them would be, they could make all their members deputy chiefs, and give them the title and no pay, and this is a traditional labour situation.

MR BECKETT: There is nothing to prevent it.

MR HILTON: Precisely, and in these jobs, their concepts do change; the concept of what was a deputy chief changes; and we also fear, if there was a change in this, it would result in a down-grading of the inspectors. I have a sergeant here as one of our vice presidents, but undoubtedly he performs the same duties in a large metropolitan force like Toronto has, as somebody perhaps of an inspector's rank in a smaller municipality; and justification could be found for changing all the ranks in an exercise Pyramid, making all your sergeants, inspectors, all your inspectors, staff inspectors and so on up the line, and thereby diluting the content of your bargaining unit in an entirely unilateral and arbitrary way.

MR COWLING: While you're talking about deputy chiefs and district chiefs...you might explain the district chiefs in Metropolitan Toronto.

MR HILTON: Well we do have district chiefs as well; he might be called an asst deputy chief or something like this. Again they have a definition of duty relative to area, but it is a chain of command and nothing more.

MR BECKETT: Getting back to the duties of an inspector, each municipality could set up what their duties are.

MR HILTON: That's right and no two will be the same. In the smaller municipalities those who are known as sergeants here, might well be called inspectors somewhere else. Then we have inspectors, staff inspectors, district chiefs as has been pointed out; when I use the word inspector here, I'm referring to all those ranks,

inspector and above that might be the subject of any change in this Act. It has been pointed out to me, and I think this is relevant, that there is a discipline procedure, and inspectors -it may be in the Brief- are capable of giving out discipline, maybe a day's pay of something like this; but these are only so, if the officer who is the subject of the discipline, agrees; in other words, if he says: no, I won't take your punishment, then there is a definite laid down procedure, and this is only a voluntary position that the officer takes....

MR SINGER: Just as voluntary as the army?

MR HILTON: No, it isn't Mr Singer, because they're becoming less voluntary all the time. And it goes on up through the command to the Chief and eventually to the Board of Commissioners. (chit chat)
And the Act doesn't allow me or any other counsel to appear generally in relation to these disciplinary matters. Now in 1959, we heard that efforts were being made in this way before, but nothing ever directly, and at that time a poll was taken of the senior officers themselves-those that would be involved in this change-over 70 at that time; and out of over 70, only 2 had any desire for any change. And in conversation today with the president and the vice-president of that senior officers association, which as I said, is a social social organization only, not a bargaining agency or pension- there has been no rise of any voice since 1959...and at that time there were only 2 in the poll of over 70 that said they'd like to be out of the bargaining unit, whereas 68 out of the 70 said they wanted to stay where they are. And since no voice has been raised from that group since, it can be presumed, I think, and safely presumed, that there is no patent desire even among those two persons, to change; indeed the representatives of that association are here supporting a no change position. I respectfully submit their feeling is this if there is a change, who is going to bargain for them? Are they going to have any rights or merely at the whim then- 70 men-more than 70 men at the whim of the Board of Police Commissioners. Unfortunately the experience in Metropolitan Toronto and I think throughout the province in matters of labour-management relationship have not

been such as to allow any of us to have undue confidence in the position that a Board of Police Commissioners will take in relation to the salary and working conditions of members of the force.

MR BECKETT: Mr Hilton, when the "deputy chief" was added under Section 27, was there any action by your association?

MR HILTON: No. This was the first amendment, Mr Beckett, and the association said well...there was only at that time one deputy chief; there's now four. They said: Well what difference is one deputy chief going to make? It wasn't conceived that there would be this alteration that has appeared throughout the province in the concept of deputy chiefs, which in happening has given warning to what may possibly happen in further inroads into this bargaining unit. Now we're pleased, Mr Chairman, to have the members of the various Fire Fighting Associations to whom I've made earlier reference, with us this morning, and I'd like just to read to you, a letter from Mr Richard Chambers, Secretary of the Provincial Federation of Professional Fire Fighters. It is addressed to Mr Nelson Corbett, Secretary, Metropolitan Police Association etc, (reads) Dear Mr Corbett: This Federation is aware that representation has been made before a Committee of the provincial government in an endeavour to have the Police Act of the Province of Ontario amended. At the present time, the Police Act makes provision for the Police Association throughout the province to bargain with their municipalities for all the full time members of the police department, other than the Chief and the Deputy Chief. It is now being proposed that the Police Act be amended to provide for the exclusion from the bargaining unit, all ranks of inspector and above. We are aware that your association is going to make representation before the Select Committee to most vigorously oppose such a proposition. In this endeavour, let me assure you that your association has the unqualified support of this Federation; and please feel free to use this letter in any manner you believe to be proper. This Federation has a very good reason indeed for supporting your association in opposition to this proposed amendment. The police in this province operate under the provisions of the Police Act; the firefighters under

the Fire Department's Act; if time is taken to read those Acts with reference to bargaining and arbitration proceedings, it can readily be seen that there is very little difference between the two. We, of the Firefighters, are extremely proud of the Act under which we operate and guard it zealously. There has been a Fire Department's Act in this province since the year 1927, and in fact before that; but it was called by another name prior to the year 1927. Many amendments have been made to the Fire Department's Act since the year 1927, and undoubtedly, many amendments will be made in the future. This Federation annually has the privilege, and do make representations to the Attorney-General, proposing amendments to the Act. Naturally we are expecting to propose amendments that are morally sound and legally defensible, and supported by logic. We therefore expect that any group making representations before a Committee of the provincial government proposing amendments to the Fire Department Act would propose only such amendments which are morally sound and legally defensible, and can be supported by logic. I believe it goes without saying that this applies to any proposed amendments to the Police Act as well. The Police Act at the present time excludes the Chief and the Deputy Chief from the bargaining unit. At the present time, under the Fire Department's Act, the Chief of the Fire Department is the only one excluded. Representation has already been made to the Select Committee on behalf of the Fire Department's Act, an amendment to provide for the exclusion of the Deputy Chief in addition to the Chief of the Fire Department. You will note that at the present time, the request is for the exclusion of the Deputy Chief only, other than the Chief, of course. In your case, the Deputy Chief was excluded from the provisions of the Police Act about 9 years ago. Now the proposal is to move down the ladder and exclude all ranks of inspector and above. Isn't it strange indeed if the proposal has merit, which I submit it does not have, that the municipalities are requesting amendments to two Acts under which their employees operate, that on one hand they are proposing only the exclusion of the Deputy Chief, and on the other hand they are proposing to go down the ladder three rungs or ranks. The reason would appear to be ob-

vious; while it is claimed that their only concern insofar as the Fire Department's Act is concerned is the exclusion of the Deputy Chief from the bargaining unit, one cannot help but assume that the real intent is the gradual decimation of our bargaining unit. This has been proven by the fact that your association is confronted with a proposal to remove other ranks in addition to the Deputy. This Federation is convinced that should the Fire Department's Act be amended to exclude the Deputy Chiefs, and we shall oppose this most vigourously, the next move will be an endeavour to go down the ladder and exclude other ranks as well. We are aware that the Police Act was amended about 9 years ago to exclude the Deputy in addition to the Chief of the Police Dept. In other words, up until 9 years ago, your Act read the same as ours does at the present time in this regard. Why this amendment was made in your Act, I'm at a loss to understand. I believe I am correct when I make the observation that at the time of the amendment there were very few Deputy Chiefs in police Departments throughout the province, and your Association was of the opinion that this would not be a serious matter. I also believe I am correct in stating that immediately after the Act was amended, there were very few police departments that did not have a Deputy. Further, I believe if the calendar could be turned back nine years, the position of your Association would take would be entirely different. (and I submit it would be entirely different, Gentlemen, if we had the hindsight of which we are now possessed)

Although representations have been made to the Attorney-General during the last few years, some of which I've had the privilege of attending, and I've met personally representatives of the Mayors and Reeves Association and other groups that have requested the exclusion of the Deputy Chief under the Fire Department's Act, I have yet to hear a valid reason why this action should be taken. At the present time, under the provisions of the Fire Department's Act, it is the responsibility of the local union to bargain for all full time Fire Fighters, other than the Chief of the Fire Department; this, of course, includes the Deputy Chief. If this right is taken away from

us, who then is going to be responsible for the welfare of the Deputy Chiefs? This is a question that is still to be answered by the representatives of the Mayors and Reeves Association and other groups. What of the Deputy Chiefs themselves? Although it has been suggested that due to the absence of the Chief, and where the Deputy Chief has to assume the duties of the Chief, that embarrassment had resulted, we know of no case where this has actually occurred. Surely if such was the case, the Deputy Chiefs would be very concerned. But the fact is that a survey has been conducted through this office to the Deputy Chiefs themselves, the result of which was that the vast majority of Deputy Chiefs desire to remain in the bargaining unit; they cannot do this of course if the Act is amended. I haven't the slightest doubt that your rank of inspector and above share the opinion of our Deputy Chiefs in this regard. I must apologize for being so lengthy in expressing the views of this Federation, but to the 60 municipal locals representing over 4,700 full time Fire Fighters, this is a very serious matter. Yours very truly, R.S. Chambers, Secretary" That is the position of the firemen, Gentlemen, in supporting our position.

MR BLCKETT: Mr Hilton, right at the beginning of that letter, they say...not a demand to change the Act-what is it?

MR HILTON: They understand a proposal is being considered.

MR BLCKLTT: Apart from the Mayors and Reeves who discussed the Fire Dept, was there anything about the Police?

MR MORROW: They said then it would be the same as the Police Act.

MR HILTON: I'm not here on behalf of the Fire Fighters, Mr Chairman, I'll ask them to speak later, if I may; but I think I should point out that the Fire Fighters Association, in just looking at the letterhead here of the Toronto Fire Fighters Association, Local 113, International Association of Fire Fighters; its affiliated with the Canadian Labour Congress, Ontario Federation of Labour, Toronto District Trades Council and the Provincial Feder-

ation of Ontario Professional Fire Fighters. The police are not members of any union; they cant be members of a union; they cant be affiliated with any union organization by statute. Therefore when it is up to the police to bargain, they cant strike; they have not got the resources of statistical research of these labour unions available to them; and they endeavour to bargain as best they can. I think I can say without equivocation that bargaining has really been a farce in the City of Toronto during the period of time I've been here. We have settled contracts without going to arbitration on occasions when it was put to us that certain pension provisions were to be given or to be arranged in the arranging of the Metro Toronto assimilation of the police force; and we would be well to accept the position that we were...whatever was the suggested wage price so as to gain these other benefits.

MR BLACKETT: And did you gain those other benefits?

MR HILTON: We did gain those other benefits; they were worked out, but we, to do this, bought it by a pay hiatus, and then you get faced every year, Mr Chairman, with this...well you bought it voluntarily last year, therefore it must be assumed to agree that it was correct.

MR BLACKETT: No but every time you bargain, are there other benefits you can gain?

MR HILTON: We cover all wages and working conditions, yes, Mr Chairman, as you can see defined in Section 27 of the act.

MR THOMAS: It's still a question of bargaining though, isnt it? If these benefits were to induce them to let go their demand for an increase in wages, it's still a question of bargaining, isnt it?

MR HILTON: That may be so; but in those particular instances....so far as bargaining is concerned, last year for instance, there was never an offer made of 5¢ from the Metropolitan Board of Police Commissioners.

MR BLACKETT: Do you ever run out of these fringe benefits?

MR HILTON: I hope not, Mr Chairman, I have lots more. (laughter)

MR COWLING: Mr Chairman, our speaker has made a number of references to the Metropolitan Police Commission; you evidently dont seem to get along too well with them on these bargaining things, or anything else for that matter.

MR HILTON: I have never had an opportunity, Mr Cowling, to get along with them or not get along with them in bargaining. I'm not allowed to be there.

MR BLACKETT: Just by virtue of their Act that you're not allowed to be there?

MR HILTON: They say they bargain only with the policemen; they wont bargain with their attorneys or anyone else.

(chit chat)
MR THOMAS: I suppose the members have their own sick benefit and things like that?

MR HILTON: They have in their own organizations.

MR THOMAS: Well suppose a member is promoted to Deputy Chief, what happens then? Does he relinquish all this?

MR HILTON: No, he is allowed to remain and he keeps those benefits; he stays as amember, and that's what I say, even our Chief is in there. (chit chat) I would be happy to answer any questions, Gentlemen, but that is all I have. Mr Brown says I have covered the points unless the Provincial have something to add.

MR LATTON: I couldnt add too much more to your submission, other than I might go over a submission I made to the Ontario Police Commission. I understood, perhaps erroneously so, that an organization was supporting the removal of the inspectors from the bargaining unit.

MR BLACKETT: I think you are correct.

MR LATTON: I think I am correct, but I not just sure where the source of my information came from. I submitted a Brief to them just recently opposing this, as the association had gone on record as being opposed to the recent amendments to the Police Act in removing the Deputy Chief Constable back in 1956; at that time we made submissions to the Attorney-General but unfort-

uneately that subject wasn't included. Since this amendment came into effect, throughout the province a wholesale exploitation in its interpretation has taken place. Numerous small departments consisting of five and seven men now have a Deputy Chief Constable, many of whom are receiving the same pay and performing the same duties as their previous rank; but because of their nomenclature, are without bargaining rights. One large department in the province, which before the amendment had a Chief Constable and a Deputy Chief, now has a Chief, a Deputy and two Assistant Chiefs. We feel that this in essence can be abused, especially in the smaller municipalities.

MR MORROW: The question I want to ask, since this amendment came in in 1957, there has been a rash of promotions to Deputy Chief in order to take out the majority in the smaller municipalities out of the bargaining unit?

MR LATTON: Right after the amendment, yes, there was a rash of Deputy Chiefs, but not so much now at this point.

MR HILTON: I think it might also be said that the OPP, which comes under the jurisdiction of the that some of their inspectors, by reason of the distance they are removed from headquarters, again with the lack of definition of duties, have very different duties from those of the Ontario...rather the Metropolitan Police Force; this may be the reason why that particular body might support it, which under the circumstances, a municipal force would not support it.

MR BECKLTT: Due to distance from the central command.

MR HILTON: That's right.

MR LATTON: As it applies to the OPP, it is a little bit different; their inspectors are so far removed in some instances from the central headquarters, their inspectors may well take on more than just a supervisory capacity. This is just the OPP.

MR HILTON: Again per Mr Latton's remarks, in our association, these people are members, and we are here on their unanimous vote.

MR THOMAS: I suppose the argument of the Mayors and Reeves is that as the Deputy Chief is a member of the Association,

and the Chief was away, and he is Acting Chief, he could not serve what one might call two masters; now take in industry, in my own case in General Motors, every foreman is barred from being a member of the bargaining unit, and I suppose that's their argument too.

MR HILTON: Well sometimes the unions dont want them in the bargaining unit; in our case, we do want them in the bargaining unit. Sometimes they dont want to be in the bargaining unit; here the particulzr person wants to be in the bargaining unit. It's not the same problem. We want them and they want to be with us.

MR BLACKETT: In your case, Mr Thomas, that's a regulation of your union that foreman are not in the bargaining unit.

MR THOMAS: Well I wouldnt like to say; it could be as Mr Hilton has just said...

MR HILTON: It may vary with unions and with circumstances. (yes)

MR SINGER: Do the foremen of General Motors not have an association of their own? (no) (chit chat re foremen)

MR BLACKETT: While you are here, Mr Hilton, we would like to read to you part of a Brief that was filed dealing with another matter, by the Police Association.

MRS ROWAN: (reads) "With reference to police officers...(this is from Brief from Police Association of Ontario, page five, Part II to page 7, end of Brief).....using the highways and their safety."

MR BLACKETT: I would like to hear your comments.

MR HILTON I dont know that this matter has been considered by our group at all, although I do know of instances where problems have arisen. I think it's a very complex situation, not just as simple as it sounds. The thoughts that came into my mind were the suggestion of liability; I also wonder about again the use of unmarked cars. Unmarked cars exceeding the speed limit in situations like that-I would suggest it might be confined to clearly police vehicles, but I do think it is unfortunate when a man, to ascertain and apprehend who is driving, because he now cant just take a license number; he has to apprehend; and a vehicle that is going 85 miles an

hour down the road, to secure the safety of the other citizens, he has to go 90 miles an hour and thereby leaves himself liable to a charge of doing so and this to me is just ridiculous.

MR COWLING: Well in your Association of Metropolitan Police, and I agree with what you say, I think some changes could be made there; have you had any problems with members of your association in the line of duty being charged? (no) they've never been charged?

MR HILTON: Not that I know of.

MR LVANS: Just recently there was an officer in Barrie charged. He apprehended a fellow going 85 miles an hour and the fellow turned around and charged the policeman. (all talking)

MR HILTON: What I am thinking about is after an accident...an accident occurred and the officer was then charged by the police department-it was going through a red light; the circumstances of that I dont know, so I cannot comment.

MR BECKLTT: Does your association feel all cars should be marked.

MR HILTON: I dont think they've expressed an opinion; it's just my own thought; if you had a plainclothesman just tearing down the road in a plain car, he might be inviting other persons to go that fast-there's a guy getting away with it and I'll go too.

MR COWLING: I think the public has been pretty well educated to know and respect if a constable in a uniform, whether the car is marked or not, if he's in a uniform and is exceeding the limit, whether the siren is going or not, that he's performing some important duty right at the moment.

MR HILTON: I've had them go by me and I've said that.

MR COWLING: Yes, that he's doing his job, and I think most citizens think about it in that way; and unless they were smart enough to charge him, as your man did, Art, why that's the end of it.

MR MORROW: I think, Mr Chairman, it should be legalized. I think that was a very good Brief and it should be legalized. If they have to break the Traffic Act, I think it should be legalized so that they're not breaking the Act; and there's a civil liability

there which gives protection.

MR COWLING: But on the other hand, Don, once you open it up and give the police the protection, then you're naturally going to get some fellows that will take advantage of it; and I think it could be much more embarrassing with the protection than it has been, according to what you say, with 2700 members in Metropolitan, and there hasn't been anything in the past. That's my thought.

MR HILTON: The only thing I could add towards this any sort of flaunting of the law, even in the discharge of duty, by those who are required to enforce the law, brings that law into disrespect; and unless they've got legal authority for so doing at which they could point that they're not breaking the law, then they are not creating a disrespect for the law. I think the position you take is that most citizens believe they have the right to exceed the limit.

MR MORROW: I think it should be made legal.

MR BLACKLTT: There are only three instances where this has happened....(yes) over a period of years.

MR SINGLER: The president of the association can recall one instance where a charge was laid by the police against a constable.

MR BROWN: It was only as a result of accident; if there hadn't been an accident there would have been no charge.

MR MORROW: That doesn't scratch the problem. Why should they go on operating with the law not on their side?

MR COWLING: Mr Chairman, the speed limit on the highway is 55 miles an hour, and there are thousands of people every day going 65 miles an hour; the law is there, but the people don't obey the law. Now this is in the other way where the law isn't there, but it means obey it tactically, you would say. I wouldn't like to feel, Mr Chairman, if somebody was involved in an accident in a personal way, and a policeman in the line of duty was exceeding the limit or doing whatever he felt was necessary to apprehend a person who had committed crime, I wouldn't like to see him curbed at all.

MR MORROW: Legalize it then, so a policeman can

exceed the speed limit.

MR SINGLER: You are opening a great big door when you suggest this and it could cause a lot of trouble. Some of the police in the United States with his siren sounding going to lunch at 70 miles an hour. This certainly wouldnt be desirable.

MR HILTON: I cant agree with the deprecation of any other police force; all I can say is that our association is the best.

MR COWLING: Here here.

MR BLACKLTT: Mr Hilton, we want to thank you very much for coming here today. We will certainly consider this matter. Thank you.

MR HILTON: Thank you Mr Chairman and Gentlemen.

LEGISLATIVE ASSEMBLY OF ONTARIO
THE THIRTY-SECOND MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

Committee Room No. 3
Parliament Buildings
Queen's Park
Toronto, Ontario

WEDNESDAY,
SEPTEMBER 26th, 1962

MORNING SESSION

HOLLIS E. BECKETT, Q.C.

MRS H.G. ROWAN, C.A.

MRS E. EATON

J.A. TAYLOR

M.R. SLOAN

CHAIRMAN

Secretary

Asst. Secretary

Solicitor

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Dept Mun Affairs

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Thomas D. Thomas

APPEARANCE:

W. G. Singer - Vice President
George Thomas - Secretary

PRESENTATION:

BRIEF - GULLPH PROPERTY OWNERS ASSOCIATION

GUELPH PROPERTY OWNERS ASSOCIATIONHOLIS E. BECKLETT, CHAIRMAN

MR BECKLETT: Well Mr Singer and Mr Thomas, we're happy to have you here; our procedure is very informal-if you want to read your Brief or just comment; (conference with Mr Beckett) all right, Gentlemen, Mrs Rowan will read the Brief.

MRS ROWAN: The first section of the Brief is on the exemption from school taxes for senior property owners. "feeling that homeowners.....above mentioned proposal."

MR THOMAS: I made a few notes, if you dont mind, because I'm inexperienced in public speaking. I'm glad I'm not here on any selfish purpose; I'm not here entirely on behalf of our membership. I like to think I'm here representing some thousands of individuals throughout Ontario, one of whom I would like to describe to you as being typical of the many. This particular individual married at 21, rented a home, fathered two boys and three girls, raised them decently, sent them out into the world equipped with sufficient training and knowledge to find responsible positions in life. As one by one the children left the parental home, the parents were able to think of securing a home for themselves. They were forced to buy on the installment plan, and now the husband at 70 and the wife at 68, regular employment has vanished and the health of both is failing. Fortunately the home is fully paid for; fortunately too, a \$65 a month cheque comes regularly, and this together with revenues from occasional light jobs and a few infrequent money gifts from the married children constitutes their entire income. Property taxes must still be paid, and about 45% of the tax is ear-marked for the education of still another generation of youngsters. This man, tired out, no longer standing up to it, worried financially, must carry on with this burden of educating the young until he lays this burden down at his grave. I feel that common decency requires us who can, to lift that burden from his shoulders as soon as possible.

MR BECKLETT: Mr Thomas, are you a property owner?

(yes) And you pay taxes then? (yes) Well in your opinion, is real estate the proper basis for raising money for school purposes, or should there be some other source?

MR THOMAS: I'm not qualified to answer that.

MR BLACKETT: Well today, real estate or real property is the chief source of raising money for school purposes, and while it remains the chief source, do you think there should be some allowances made to certain people such as you suggest, those over 65? How about people who are sick and cant pay?

MR THOMAS: That is already in the Assessment Act.

MR BLACKETT: Oh yes, but it is by a court of revision; and that's only dealing with the time it might apply. You're suggesting that the law be amended so that those over 65 get some relief.

MR THOMAS: Home owners only.

MR SINGLER: All home owners?

MR THOMAS: No, only those who reside in their homes; the property owner who perhaps owns ten homes should not have exemption on the other nine; he should have exemption only on the one home in which he lives.

MR EVANS: What about a millionaire; he may be 75 years old and he can surely afford to pay school taxes.

MR THOMAS: I read a newspaper account that south of the border an exemption of \$3000...the means test is \$3000 that is required. This legislation is in several states of the US, and it was in the area of a Pennsylvania city that I saw a recommendation in the newspaper that it be adopted there.

MR MORROW: It's New Jersey that has that \$3000 (\$5000 maximum) \$5000 maximum sum.

MR COWLING: Do you mean to say they are exempt from taxes?

MR THOMAS: It said on school taxes.

MR COWLING: You mean to say that a person is allowed to own up to \$5000 alone or jointly without paying school taxes of any kind? No school taxes? (right)

MR THOMAS: No school tax. But we havent specified the means test at all; further on we'll come to that.

MR THOMAS MPP: Mr Chairman, there are many people, of course retired, who find it very difficult to pay the taxes, particularly the school tax; but it would have to be on a means test basis of some kind wouldnt it? You couldnt exempt a millionaire just because he was over 65.

MR BLCKETT: How does our legislation read in regard to this?

MR SLOAN: He may not pay taxes because of sickness or extreme poverty.

MR BLCKETT: That is through the court of revision.

MR COWLING: So he is ill and then he doesnt pay any taxes.

MR SLOAN: It's up to the courts to decide; some courts have thrown off the whole tax, and some have thrown off 40%, some use a reducing scale and so on.

MR COWLING: Would they then hold that tax over until that person was well?

MR SLOAN: No, it's written right off.

MR COWLING: There are many elderly people living on the old age pension in their own homes who have people living with them, boarders, school teachers and what not, with a room or two; how would you handle that situation, if you just said simply everyone.

MR THOMAS MPP: Well it would have to be on a means test basis.

MR MORROW: Or an income basis.

MR EVANS: Something similar to the pensions at 65 now.

MR COWLING: Maybe we could accept that same means test in cooperation with the people that give the means test, and I think our own Welfare Dept gives it.

MR BLCKETT: Who would conduct it?

MR COWLING: The Welfare Dept; we could take their figures for it.

MR EVANS: Well they can have a certain income

without it interfering with their pension.

MR SINGER: What does the means test involve, if the elderly couple, as described here, own their own house; is this taken as part of their assets or not?

MR THOMAS MPP: Like the rental basis? I think it is a percentage of the assessed value of the house, isn't it?

MR GORDON: 5% of the assessed value.

MR COWLING: I think whatever basis our Welfare Dept now use to satisfy themselves that someone at 65 is entitled to the welfare benefits, would be sufficient for use in this same way.

MR THOMAS MPP: Then what about those over 70; they're not given the pension on the means test basis—that's old age security.

MR BECKETT: I don't think that would apply then.

MR THOMAS MPP: But if it could be suggested that the income didn't exceed a certain amount, and they'd have to prove it is less than that, before they had any rebate.

MR BECKETT: It might be interesting to write these people in New Jersey and Pennsylvania and find out.

MR COWLING: It might be interesting too, Mr Chairman to write to the Minister of Welfare, and ask him if he would think such a move was feasible.

MR BECKETT: Mr Singer, we haven't heard from you.

MR W.G. SINGER: Well, as a young fellow, I had a trade I got into business, I worked, built my business up and I invested my money in property, into homes and had them changed over into duplexes. I had mortgages on them and I gradually paid the mortgages off. Now I'm retired and hoping to live off the income of my property; and there are certain things that are causing the income to decrease, that is the over abundance of apartments that have been built and of homes. It is more difficult to keep our property occupied. Every few months or so, we lose a tenant; it takes two or three months to get another tenant back in; we have to redecorate or something else. If a person is a few months in an apartment and it's vacated, you find you have to go in and do a certain amount of redecorating, clean

the floors, and one thing or another to get it rented again. You've lost one or two months rent; unless you do that, with the abundance of apartments today, people will come and look and away they go. Now my point is at my age, my income is decreasing and still I am faced with paying this high school tax; and I think that after a person has paid school taxes for around 40 to 45 years without a means test, they should be relieved of the responsibility of educating the incoming generation. Let somebody else that's coming up carry on in that area of responsibility.

MR BECKETT: Suppose, Mr Singer, a person hadn't paid taxes for 40 or 45 years, just one year, would you still give him consideration?

MR W.G. SINGER: As a renter he is automatically....

MR BECKETT: I don't mean as a renter; I mean a person who has only paid taxes for one or two years--would you put him in the same category?

MR W.G. SINGER: Well that thought was in our Brief, indirectly a renter of a property is paying taxes.

MR BECKETT: I don't mean that at all; you say you have paid taxes for 40 to 45 years and you think you're entitled to some exemption; take a man who's only paid taxes for a couple of years would he be entitled to the same exemption.

MR W.G. SINGER: Well you're bringing up a point; if he is around the 65 year mark, either he has been a boarder or has been living some place else, and not paying anything at all for the upkeep of anything. But if he is a renter, he's indirectly paying taxes.

MR BECKETT: He may not be a renter. (chit chat)

MR W.G. SINGER: I suppose you'd have to have some restrictions--yes naturally.

MR BECKETT: That would be conditions (yes)

MR GORDON: How large is your association?

MR THOMAS: We have 56 members now.

MR GORDON: And these are all property owners?

MR THOMAS: Yes, all property owners.

MR GORDON: In Brantford, they have a Senior Citizen Association and they have suggested this too; and they've also suggested they get bus fares free for senior citizens, and several other concessions. This has been before the City of Brantford on several occasions. These are not all property owners; many are renters.

MR BECKETT: How many members of your association would qualify for this suggestion?

MR THOMAS: I don't think very many, and on the means test, Mr Singer wouldn't qualify, nor would I. This is on behalf of people who are in distress because of this requirement, to pay these taxes out of...if the one is drawing a pension and the other isn't eligible for pension yet, their total is \$780 a year, out of which they have to pay \$200-\$300 taxes. And if \$75 or \$80 or whatever the percentage is could come off that tax, they would be wonderfully relieved; and this is what we're after here today. I don't know how many thousands there are-I know several in Guelph, and I don't know very many people in Guelph, but I do know several who are really suffering for relief in this direction. And this is the reason we're sponsoring this move because it's an humanitarian move that should be adopted.

MR BECKETT: Well thank you, we'll go on to your next item.

MRS ROWAN: (reads) "Full Council Meetings to be Open Meetings. With reference.....be open."

MR THOMAS: I would comment on this. It is difficult for a layman like myself to speak with confidence on such municipal matters. We see as through a glass darkly; much of what is said in regular council meetings fails to reach our ears, probably because all remarks must be addressed in the opposite direction to the chairman. Only in the tenseness of debate are voices unconsciously raised to the point where all can hear. And this seldom happens in the routine of regular business, many details of which have been thrashed out behind closed doors. It was my good fortune a few months ago to read the text of an address by Ex-Premier Frost to a Convention of municipal officers at Cornwall several years ago. One sentence from

that text is for me unforgettable. He said: "The best guarantee of good municipal government is a vigilant electorate." The chief purpose behind our request that all full meetings of council be open meetings is that interested citizens should have fuller opportunity to develop and exercise that vigilance that Mr Frost refers to; to comprehend the issues fully instead of criticizing irrationally, to remove misunderstandings, to arouse leadership instincts of our younger citizens, and if such a thing is possible, to raise the calibre of municipal councillors throughout our province.

MR BLACKETT: Mr Taylor, how does the Section read?

MR TAYLOR: Section 190, (1) The meetings, except meetings of the committee, including a committee-of-the-whole of every council and every local board as defined by the Dept of Municipal Affairs Act, except boards and commissions of the police and school board, shall be open to the public, and no person shall be excluded therefrom except for improper conduct." They're all open to the public except committee meetings and meetings of the committee-as-a-whole.

MR EVANS: Well the Committee-as-a whole, Mr Chairman gives the councillors an opportunity to speak more than once; it gives a chance for better discussion and that is principally the reason for it. You wouldn't get a man to express his views in a council meeting. I have sat on council for 16 years, and I think that councils should be open, and council meetings are open at the present time, they are open to the press. But committee meetings are certainly closed and I think they should be too.

MR BLACKETT: But they haven't got to be.

MR EVANS: Yes, they can still have the press in there if they want; but they don't have to.

MR SINGLER: Well I'll go this far when I say as a general rule all meetings should be open. I can recognize some items, for example, discipline or salary and matters of purchase of a particular piece of property; some of those things certainly shouldn't be discussed in public. I suggested to the Legislature, I think a year ago maybe two years ago, that there should be the privilege of going

into private meetings, if the council is prepared to pass a resolution why they want it private; but Mr Frost, who was the Premier at that time didnt seem to like that.

MR BECKETT: That's pretty well the usual now.

MR SINGLER: No, I dont think so. The draft act I introduced was modelled on this statute, but the government in its wisdom, didnt see fit to agree with me.

MR BECKETT: What comments would you have, Mr Singer?

MR W.G. SINGER: Well I have no comment on that except I agree with Mr Thomas that the Committee-as-a Whole should be open to interested citizens, but as has been mentioned, with some certain restrictions, such as the purchase of property or salaries-I can understand those being behind closed doors. But I think what Mr Thomas is trying to put across-he has been attending these meetings- he goes to an ordinary council meeting and he goes home with very little from it, because it's all cut and dried before the meeting of council is convened.

MR BECKETT: Well when you say cut and dried, do you mean they have met before or something...outside of these things? That's human nature, I dont know how you can change that.

MR W.G. SINGER: What is your point there, Mr Thomas?

MR THOMAS: I have attended council meetings all this year, and council has the habit...I shall try to recount a regular council meeting in Guelph..the Mayor, after assembling, asks for the minutes of the previous meeting to be read, and some alderman will rise and move that the minutes of the previous meeting be considered as read and passed. The next is to read the correspondence, and this has a degree of interest to spectators. But it is not dealt with there, and it is handed to this or that committee member appropriate to the need; and if there are any spectators the Mayor will ask if anyone wishes to address council, and several do. But there is no debate on that. The parties present simply say their mind and then sit down again. And following that, Council considers the reports of the different committee chairman, and this then leads to the passage of the first, second and third reading of any by-laws identified

only by number, and after that is done, somebody moves there be adjournment, and they adjourn. And the Mayor says: We will meet in Joint Committee right here a few minutes later; and staying there then, I have felt I am out of order. I have nothing to present to council, and I havent any letter before them; and in this meeting I am out of order. I have no business to be there. I am a citizen of Guelph and quite a property owner, and I have no right to sit there because it says I'm excluded in this Act. I think that not only I should be there legally, but I think that every interested young politician in the city should be there to learn the business.

MR BLACKETT: But you were never asked to leave, were you?

MR THOMAS: No I was never asked to leave.

MR MORROW: Who is the mayor now? A former Minister I believe.

MR THOMAS: He's a very fine man; you couldnt get better. And at a recent meeting there was a letter from us and he raised the matter on council, and our meetings are open now, and I had already submitted this Brief, but I think it should be province-wide. I think that another year could just as easily close this Joint Meeting, and we'd be in the same boat as we were before, when members of council would gather in the Clerk's Office, and leave their books there and have a little meeting there, and then come up to the council meeting and go through their routine which they usually followed, which is good and necessary, there's nothing wrong with it, and then until recently, they would retire back to the Clerk's Office, and there wasnt room for a spectator at all. And the town of Oakville is open now; they recinded a by-law five or six months ago and many others are open throughout the province, but I think, as I say in the Brief that municipal business is big business-they handle millions of dollars and if business and commercial enterprise didnt have students and apprentices and the young ones coming along to learn the business, they wouldnt last long; and I think the city business should be open so that interested young people can learn and know and have access to these books; incidentally in our association, we have a little

lending library and we pass these books around amongst our members, and we have some good aldermanic candidates coming along...in two years they'll be good aldermanic candidates. I want them to come to the meetings and they will come to the meetings, and they can come to these meetings now they're open; now we think they should be open province-wide by the elimination of this restricting clause. This is what we're after.

MR BECKLTT: Mr Thomas, did you ever have the privilege of serving on a municipal council.

MR THOMAS: No, I just retired from active a short time ago.

MR SLOAN: Of course you have the opportunity under the Municipal Act and the Assessment Act and various Acts of looking through all the records anyway.

MR THOMAS: We're just preparing a new zoning by-law, Gentlemen, and the planning board clerk loaned me a copy, and I spent all of last evening prior to the fights studying it. How can all of our city study this in advance; we have access to the records, yes. We were asked to come down to the City Hall to study the famous Margison Report on highways. This is a 30 or 40 page volume and only one could read it at a time, and it would take 25 years for every citizen in Guelph to read that book. (chit chat re report)

MR BECKLTT: You know it's the greatest education in the world, in my opinion, for every citizen to serve on some board, to see the inner workings of the municipal body. (chit chat)

MR GORDON: I think every citizen should spend at least two years on council or boards; and especially when a man is retired, he has that much time to himself. I know that was one of the sayings of one of the prominent citizens who was with the Stern Chemical company; he served two years and he said that everyone should serve two years at least. It's good experience and you contribute something to your municipality.

MR THOMAS: I think we should be educated in municipal matters before we get to council; we have new men on council and they spend the first year learning; what we want is them to go into

council not as students or as learners, but as capable men to take the places of the senior men who are retiring. For me just to go into council just to get the experience isn't a good reason, or a good enough reason; I think we should have our civic interest so much at heart that I have something to contribute.

MR BECKETT: Mr Thomas, in my experience in municipal life, I found there is very much you can't learn from books; you only get it by being a member.

MR THOMAS: Then it would be restricted to very few citizens.

MR BECKETT: Why? You've got the planning board, library boards, board of education, all these boards in municipal life. Well thank you. Shall we proceed.

MRS ROWAN: (reads) "Rebates on Vacancies With reference to..... continuance without change."

MR BECKETT: I wonder if you would read that Section Mr Sloan? What are exempt?

MR SLOAN: The only buildings that are actually exempt are buildings that have a vacancy, such buildings that are partly built and not capable of use, buildings where the asking rents are unreasonable, where the building has not a suitable application by a tenant, or where they've never had the building occupied. The part of the building that remains unfurnished during the period of vacancy; the building that has been adapted for a special use. This eliminates a great number of buildings, as we discussed yesterday, barns, factories, and it excludes summer cottages because they are furnished. But it would include any apartment as long as it is separate...has a separate assessment on it, and it would include a house. The vacancy must be three months continuance in the assessment year. If it were vacant November and December of one year and January of the next, it wouldn't qualify. (chit chat re summer cottages) Even if you took the furniture out, it is considered adapted for special use, and it wouldn't qualify.

MR W.G.SINGLER: And the vacant house and apartment must be advertised for rent.

MR SLOAN: It doesnt say advertised, but the owner must endeavour to rent it; it doesnt say what method is to be taken.

MR BLCKETT: Well Mr Singer, you did mention that you did own some rented property; how do you feel about this?

MR SINGLER: Well I certainly feel it is a worth while law, because particularly at present, with as I say the over abundance of apartments now, these vacancies come along, and it's not just a case of having to pay the taxes, in the winter time the apartment must be heated to a certain extent, and it has to be made suitable for occupancy; the landlord is still under expense, and for a place to be vacant for three months in a year, it's quite a drain. And it has been my own personal experience in the past three years, at one time I had four empty apartments, and we did everything possible to make them more rentable; we advertised them for a month straight rate, a card in the window for rent; and I think the landlords should be relieved to a certain extent on local taxes.

MR BLCKETT: A suggestion has been made here that apartment owners should pay a business tax-it is a business.

MR W.G. SINGLER: Well they're not in the retail business; they're not in the wholesale business.

MR SINGLER MPP: But they are in a business.

MR W.G. SINGLER: Well you dont look at it that way. Besides these apartments would be rented if the city hadnt gone around and allowed so much other accommodation to be built which they are receiving revenue from...taxes.

MR SINGLER MPP: But a hotel rents accommodation and they have to pay business tax. Would it be reasonable for a man in business to have his taxes lowered if he has a bad year? That's what you are saying when you say this vacancy allowance should continue.

MR W.G. SINGLER: Yes, if his place is unoccupied.

MR SINGLER MPP: Not necessarily unoccupied-if he has a bad year; if he sells less goods.

MR BLCKETT: We had a suggestion, Mr Singer that if a farmer had a poor year, he should be relieved to some extent; these are in some of the Briefs we are getting-some of the suggestions

that have come to us.

MR THOMAS: At a recent meeting, we had our Assessment Commissioner talk to us at very great length on this question of assessment, and one of the questions asked of him was, why did he have to examine my books? Why does the assessor who examines property have to see and audit my books, something which I resent, personally as a property owner and as a landlord I resent. Because my property is there and it's rigid and it's fixed, stones and boards and concrete, and the revenue I get from it, strictly speaking, is none of his business.

MR THOMAS MPP: He had no right to do this. (all talking)

MR THOMAS: He said he has the right.

MR SLOAN: No, I beg your pardon; he has the right to ask you what rent you are receiving- that is in the Assessment Act; but he has no right to go to your books, no right whatever. He is supposed to check on your property and he may ask you the rent, but he has no right to examine your books.

MR BECKETT: Mr Thomas, have you a copy of the Assessment Act? (yes) Then you have read that.

MR THOMAS: He contends he has the right to ask every tenant and interview everybody, and ascertain any factor that contributes to the worth of the property; it doesn't matter what it is, if it's a hedge, a sidewalk, and we are taxed on our rents, because the same building that houses one family and pays one rent to us, the assessment on that jumps considerably when he gets this information about our revenue. We definitely are taxed as business men....

MR SINGLER MPP: But you don't pay business tax?

MR THOMAS: We don't pay business tax but it is included in our property tax.

MR SINGLER MPP: Your property value increases if you use it for revenue purposes-that's logical.

MR THOMAS: And when that value decreases, when that value disappears...

MR SINGLER MPP: You're entitled to go to the court of

of revision.

MR THOMAS: Yes. We're not protesting for...let me read my comments. In the ordinary course of everyday living, local custom affords the progressive and versatile citizen the opportunity to invest his savings within a stones throw of his own residence. This tendency on the part of contractors, retired business men, craftsmen and handymen to buy and build their own properties in their own neighbourhood is very widespread, and normally would expand or contract in accordance with the law of supply and demand to meet every housing need. But abnormal conditions, resulting from wars has upset the fine balance creating surpluses years ahead of actual need. The Federal Government's 50 year loan recovery housing program has undermined or has rather exceeded natural housing development. Everybody wants the very latest in housing, and they rush away from excellent older accommodation into the brand new accommodation which is available to them, only because our government overreached the need and made itself desperately poor by doing so. The victims of this situation are the owners of really good fully modern older housing which is subject to vacant periods, yet fully taxed, except for the wise provisions of Section 131 of the Assessment Act which we feel should be expanded rather than restricted.

MR SINGLER MPP: What you're really asking, of course, is protection against a bad investment. Supposing you had taken your money at the time and invested it in some stock that was paying very very good dividends, and some other company came along and went into competition with it; do you think the government should protect you against that?

MR THOMAS: If the government was the one that did it, perhaps yes.

MR SINGLER MPP: The government has to see that housing accommodation is provided to the people of this country.

MR THOMAS: But the government going into the housing field in the scale it has has created a moral injustice to certain citizens.

MR MORROW: There's been a great need for housing though since the post war period.

MR THOMAS: There was great need for housing, but that level was attained and passed; this Act was in effect 13 years ago.

MR SINGLER MPP: Are you satisfied that all the people in Guelph are adequately housed?

MR W.G. SINGLER: They can be.

MR THOMAS: It's their own fault if they are not; there's enough vacant apartments, and it's their own fault...if they spend their money on liquor...we cant subsidize the careless and the improvident.

MR SLOAN: Isnt this the Federal Government, this housing, not the Provincial Government.

MR BECKLETT: It's the Federal Government. (chit chat)

MR W.G. SINGLER: But our thought is this Act should be left as it is.

MR BECKLETT: Any further comments, Mr Thomas or Mr Singer? Any comment from the Members of the Committee? Well we appreciate your efforts and your suggestions, taking the time to come down here and we hope that Guelph City Council will let you attend all the meetings.

MR SINGLER: Thank you very much indeed.

MR THOMAS: Thank you very much for your valuable time.

LEGISLATIVE ASSEMBLY OF ONTARIO
 THE THIRTY-SECOND MEETING OF THE
SELECT COMMITTEE ON THE MUNICIPAL ACT

AND RELATED ACTS

Committee Room No. 3
 Parliament Buildings
 Queen's Park
 Toronto, Ontario

THURSDAY,
 SEPTEMBER 27th, ¹⁹⁶²~~1963~~

AFTERNOON SESSION

HOLLIS E. BECKETT, O.C.

MRS H.G. ROWAN, C.A.

MRS E. EATON

J.A. TAYLOR

M.R. SLOAN

CHAIRMAN

Secretary

Asst. Secretary

Solicitor

Director, Mun Assess.
 Dept Municipal Affairs

MEMBERS:

Alfred Cowling
 Arthur Evans
 George T. Gordon
 Ron K. McNeil
 Donald H. Morrow
 Vernon M. Singer
 Thomas D. Thomas

APPEARANCE:

Oliver E. Crockford

PRESENTATION:

BRIEF - DISCUSSION

OLIVER E. CROCKFORD - MUNICIPAL CONSULTANT

HOLLIS L. BECKETT, CHAIRMAN

MR BECKETT: Mr Crockford, do you want to read your Brief, and comment on it?

MR CROCKFORD: Mr Chairman, I'm not familiar with your procedure, I could read it and comment on it as I go along; it's not very lengthy. (reads, Page 1, para 1, line3) "I therefore desire to submit.....expense to themselves, compensated." Now I just mean exactly what I said there that they should be compensated adequately and without expense to themselves. And this has not been the case. I could submit to you a great number of cases where expropriation has taken place and people have been held up in some cases, for years. I have in mind right now a little woman on Lawrence Ave., who had some land expropriated from Metropolitan Toronto in 1956; and after a lot of trouble and inconvenience and argument, in spite of the fact that there had been some arbitration before the court, and the court had awarded a substantial sum to other persons on the street, which they could use as a criterion of their settlements, they refused to give an adequate settlement, and we only received settlement for that woman late in 1961; and her land was taken in 1956. Now I can repeat cases of that nature, and I think it is a worthwhile thing for a government to take steps to attempt to correct this, so there would be prompt and adequate settlement for these people.

MR BECKETT: Do you think there should be a time limit?

MR CROCKFORD: Yes, I think there should be a time limit, and not only a time limit, but I think there should be some legislation effected for cases in dispute. And in cases of expropriation, in the matter of settlement, that the expropriating authority should have to pay the costs -the costs of the parties Solicitor and also the evaluator's costs. A lot of working people who have homes and have a piece of it or all of it expropriated, by Metro, for example, and these people are helpless; they haven't the money to give a lawyer \$150 or \$200 in advance, and sometimes their cases are so small,

a busy lawyer just hasn't the time to devote to these small cases, and I think the expropriating authority who has the power to hire the most expensive evaluators and the most expensive legal talent, they have a great advantage over the average small individual. Under such circumstances, this might hurry it up and if they had to pay for the small person's lawyer and evaluator, it might make an awful difference.

MR BLACKLTT: When you say pay the cost of evaluators, ordinarily they receive \$200 to \$300 a day and it is usual to have two, do you the people of the municipality or the province, the expropriating authority, should pay all the cost of the expropriation with no limitation?

MR CROCKFORD: Well I feel this way, that if that was a condition-if the expropriation authority was charged this way, they wouldn't delay these people, and they would give them in the first instance, a satisfactory offer. If they knew it was going to cost them all the legal fees and evaluator costs if they didn't....I know from my own experience dozens and dozens of cases of expropriation that I have arranged settlement for people, I know for a fact that the first offer is fantastic; they offer them a sum they know couldn't be accepted, and I think in those cases that it is just a waste of time for the Property Commissioner of any large municipality to offer 25¢ a sq ft for land in a residential lot when they know very well that the 5000 sq ft lots in the area all sell for \$5000 a lot, which is \$1 a sq ft, and how they would ever expect an individual to accept a pittance like that is more than I can understand. I submit if the expropriating authority knew they had heavy expense facing them if the person wasn't satisfied with the offer, I submit they would give them a proper offer in the first place.

MR MORROW: You mean a realistic offer?

MR CROCKFORD: Yes, a realistic offer; and I think it would eliminate a lot of the problems we have today. Another thing under legislation today, if a person isn't satisfied, they have to go and secure a lawyer and take arbitration proceedings, and perhaps

the expropriating authority will go before the courts, get a valuator to say the land is worth X dollars, and pay into court that money, get a court order to enter the property and proceed. I think that's iniquitous; because the individual, once the money is paid into court, he's got neither his property nor the money, and the result is, the expropriating authority doesn't care then how many years he has to wait, and in some cases it's two or three years or more before he gets the money out of court. I'm thinking of the average working man, the small man-I'm not thinking of the big developer, the person who has money and has a large law firm looking after their interests; it is the small people who suffer most. I think the law should say that they should make a realistic offer to the individual. If they wish to enter that property and take it before the individual is satisfied the price is satisfactory, I think the money, the so called realistic offer that that should be paid to them without prejudice, so they would receive that money.....

MR BECKETT: Suppose they paid half of it?

MR CROCKFORD: Half of their offer?

MR BLACKETT: And the other half be paid into court?

MR CROCKFORD: Well I have two cases right now that we have been arguing with Metro Toronto, two ordinary home owners that have working man's homes, and we've been trying now for about a year to get settlement; they offered them a mere pittance at first, and then came up a little higher, and these people were forced to hire a valuator, and now I am endeavouring to get a settlement on the basis of these valuers who have given a price which in my opinion...originally when I first contacted Metro, I thought was a proper price, and the valuers have more or less substantiated that. Now as far as giving them half of it, the expropriating authority intends to enter there immediately-these people will have to get out of their house and they will have to buy a new home-they'll have to pay the cost of moving; they've got to pay the legal fees to transfer the property to the Metropolitan Authority; they've got to pay the legal fees to buy another house; they've got to buy new window blinds and

curtains because they wont fit the other house; they've got to buy new broad loom, and all these expenses; and it's no fault of theirs that the public authority require their property for public use. And I think if the public authority must have a man's property for public use, the public have a right to pay him adequate compensation so he's not losing. These people are really suffering.

MR BLCKLTT: Well this is the recommendation: That the authority, that's the expropriating authority, be required to offer to pay to the owner before taking possession of the lands which have been expropriated, an amount not less than 50% of the offer, which is required to be made to the owner under provisions of statute, which is being prepared.

MR CROCKFORD: Well of course, Mr Chairman, it's at the discretion of the Legislature, but in my opinion, even to pay them 50%, if that's the individual's money, and the expropriating authority, by its own valuers, and on the basis of its own valuation say that person is entitled to that many dollars for the property, actually it is their money, once they take the man's property from him and enter it; therefore there is no reason why he shouldnt have all his money if it's his; why should it be held by the court or anyone else? That's my opinion.

MR BLCKLTT: He gets 5% on it.

MR CROCKFORD: Well if it's a court order he gets 5% or it's in the statute, but in my experience, invariably they dont pay this 5%, they evade it. Now this widow that I spoke about a moment or two ago, from 1956 to 1961 when she got her settlement, she didnt get interest at 5% for this period. They say, well we'll give you this lump sum.

MR CROCKFORD: It is recommended now that the authority be required to pay interest to the owner of lands which has been expropriated at the rate of 5% per annum for the date of possession; and possession is the date of the passing of the by-law...(no no) it will be by statute.

MR SINGLR: No, no you may expropriate and not take

possession for two years.

MR BECKLTT: The new law is going to change that-that is the present. (chit chat re difference in Acts)

MR SINGLER: Why should interest be paid until possession is taken?

MR CROCKFORD: It would depend on the circumstances. For example, an expropriating authority wants 27 feet off your frontage, and they are going to sell that property for a specific purpose and because this matter is not settled, it's very difficult sometimes to make the sale. Now I'm not saying that is a whole lot better than what we have today; naturally I'm interested in seeing the people get what I feel they should have. (continues, page 1, para 3) "I also submit.....or sell same." Now as a bylaw for a proposed widening of a road, years and years before they expropriate anybody's land, for example, we'll use Metro Toronto, they pass a bylaw they're going to widen that road; now some of these bylaws passed five and six or even eight years ago havent been approved by the OMB yet, for example a set back on Lawrence Ave. Now I dont think any authority should put a plaster of that type on a person's land, saying: We're going to widen this road. If they're going to widen that road, let them expropriate then and there, and not leaving the landowner sitting in that position for probably five years before it is expropriated, or three years or whatever. Another thing the official plan adopted by a municipality and councils; for example, the Gardiner Expressway, you know right well, Mr Chairman, there's a lot of property owners in Scarborough today, and West Hill...I'm thinking of a settlement I'm getting for a fellow for about less than half of what he should be getting for some land at Warden Ave near Hollis Ave; you know the area...I guess it was named after you. Anyway that land was approved for subdivision purposes, and the Gardiner Expressway went through there, and he was told the official plan required this for the Gardiner Expressway. And there are people down in West Hill...1300 ft deep, and they've been forced to pay taxes to my knowledge for at least 5 or 6 years now on it, and they said they hoped someday it

would be taken by the Gardiner Expressway. I think the Metro Council has recently decided they will start to acquire that land now; but in the meantime, those people have been held up, and I think legislation should not permit that kind of thing, of an official plan or a road widening bylaw; another is a declaration of an area redevelopment which does the same thing; it freezes people's land for donkey's years before the redevelopment ever takes place. And unless those people are willing to take a mere pittance from some speculator who's quite prepared to buy the land and sit and wait until the development takes place and make a sale, they're over a barrel. I think this kind of law which includes the Planning Act and the Highways Act and also the official plans and that...I think that kind of legislation should be looked at and should be put into such shape it can't hurt people. And if they want the Gardiner Expressway through there, and they decide they can't build it for 15 years, OK, then let them buy the land and the people will know where they're going and what they're doing, and they're able then to liquidate the balance of their land or use it for the purpose they want.

MR BECKETT: People might get a better price 15 years from now.

MR CROCKFORD: They could be dead too. (laughter)

MR MCNILL: That would be a little hard to negotiate.

MR CROCKFORD: That's right. At the Planning Dept the other day, I was on an application for one of my clients, and he was asking to use some land that was up in the north part- it was agricultural land and he wanted to use it for industrial purposes, and the planning director said: Oh they will have no sewers nor water up there for 20 years. I said: Now look, this man has been paying taxes on this land at Alf Gray's high assessment for $7\frac{1}{2}$ years, and 20 years from now he'll be pushing up daisies-what good is that to him?

MR BECKETT: We have to have that phase too.

MR CROCKFORD: You've got so many phases, they don't know where they are; they're phasing out. But the fact is he doesn't need sewers and water for industrial development-the kind he has-

because there already is industrial building there with their own water supply and sewerage disposal. But this is what people get hit with all the time. And I think the Legislature should intervene on behalf of these people; they should be protected and the legislation shouldnt slaughter them like that.

MR BECKETT: You dont agree then that zoning the land for agricultural purposes helps the farmer in his assessment?

MR CROCKFORD: Well, no I cant see zoning for agricultural purposes under the Assessment Act....under the Assessment Act he has protection if he's using it for agricultural purposes; he must be assessed on the basis of use of the land, and we dont need that Agricultural Zoning By-law; that was just put on to freeze people, in my opinion.

MR BECKETT: Maybe, Mr Crockford, you can give us a definition of a farmer. (laughter) (chit chat re farmers) We're serious; we're looking for a definition.

MR CROCKFORD: In assessment appeals, I've even argued if a man's got a field of clover and he's got a lot of bee hives there, and he's producing honey, he's a producer the same as a farmer is producing grain or potatoes or any other crop; and the assessment courts will not recognize that and wont recognize him as a farmer, but actually he's a producer; I dont think he's in a position in an operation of this kind to pay urban taxes, and I dont think he should be assessed on the basis of urban assessment.

MR BECKETT: You, being a farmer, you know...(laughter) you can make honey from goldenrod. (laughter) (chit chat)

MR CROCKFORD: Now my next point, (continues, page 1, para 4) "In my opinion.....in this regard." I think there should either be legislation prohibiting them from doing that, or they should not be given the legislation which will permit them to do that to these people. In my opinion in a lot of this planning, they're trying to build a Utopia for the generations yet to be born by letting the present generation suffer in attempting to do it. I dont think we should trample the present generation's property rights

and put their very livelihood underfoot, in an endeavour to build a Utopia for future generations.

MR BLCKETT: Well all your capital expenditures are charged to future years.

MR CROCKFORD: That's true but a lot of that capital expenditure will be paid by these people in their lifetime; it's assessed against their property.

MR BECKETT: Well of course finally you have the right of appeal to the Municipal Board.

MR CROCKFORD: That's the unfortunate part, Mr Chairman, we know we have that and that's how I happen to be in the business I'm in; so many people...the average ordinary working man has neither the money, the time nor probably the know how to take and process these things through the Municipal Board or to the courts or to anybody else; and after an expropriating authority with their large staff and Property Department and the best paid solicitors and highest paid valuers they use, the poor fellow sits there and waits one year, two years, even five years, and they do nothing about it, so he says, I'd better take the pittance they've offered me and so he does.

MR THOMAS: The very thought of appealing to a board might frighten him off.

MR CROCKFORD: Yes indeed. I think the cases in the courts are very, very fair though; I see a lot of the cases, as you know. One case where Metro tried to settle that chap's land for \$3500, when he got to the court he got \$35,000. Now this just shows what happens. He happened to be a wealthy man and he could afford to do it. But a lot of these other people they just can't afford to do it. As soon as they find they have to go to arbitration, they become frightened, and they say I can't pay the money to a lawyer and I may not get anywhere after all, and they're afraid. It might be there should be set up a commission or a board to handle the thing. Of course it is only as good as the men who are on it, there's a lot of problems...I suppose life is a problem to all of us, but I think of those people...they're helpless in dealing with an authority.

MR BECKLTT: Do you suggest there should be somebody to guide them or check them.

MR COWLING: That's what you're doing isn't it, Oliver?

MR CROCKFORD: Well I know, but a lot o' these people really can't do it. Why should a municipal official, endorsed by the council of the municipality, offer the citizen a mere pittance, not be realistic in their offer. Well then they have to go and hire me, hire a lawyer, hire somebody to fight for them and work for them; and then we have to charge them and it costs them money. Why should they have to pay that out of their own pockets; I think the expropriating authority should pay those costs. They're putting that person in that trouble. The citizen bought the land and the home in good faith...

MR SINGLER: With no discretion, no limit on it? On the cost that the expropriating authority can take?

MR CROCKFORD: Is there any limit on the amount Metro can spend in getting valuers, solicitors to work for them?

MR SINGLER: Of course you'll recognize this if there is no dollar limit on it, the person from whom the land is expropriated will also go to the Supreme Court of Canada, if somebody else is paying the cost. They will never settle if somebody else is paying the cost.

MR COWLING: Of course they'd settle a bit faster.

MR SINGLER: Yes the municipality, but the person whose land is being expropriated is not concerned about the levy of costs, can say: I'm not going to accept. I've known of cases where people are asking far too much under expropriation, and I'm sure you know of such cases too, Mr Crockford. (yes) In addition to the municipality offering far too little, there are people too who think their property is worth far more than it really is.

MR CROCKFORD: I can't say I know of any cases where they've asked far too much recently; but I do know the amount they have received, many of them, is fantastic...

MR SINGLER: Well it's a game and I've seen people who have had expropriation ask too much as I've seen the municipalities offer too little.

MR CROCKFORD: Would you say a man was asking too much if the lots right on his street were selling for \$5,000 or \$6000 a lot for 5000 sq ft if he asked \$1 a foot for it?

MR SINGER: I'm not going to argue with you on that basis, but I've known of people, and undoubtedly you must have too, with your wide experience, who have felt that because the public authority has come to them and taken their land, they're going to make their little nest egg at long last; we're really going to fix this public authority; it's human nature.

MR BLACKLTT: You must remember the expropriating authority must go to the highest court of the land, otherwise....

MR COWLING: At the same time, I'm inclined to agree with Oliver too, as it stands today without these new provisions which I think will go a long way to remedy the situation, but as the law is today, it certainly doesn't favour the taxpayer. (no) OK for the new legislation.

MR SINGER: There is room for improvement, but I still say if you give unlimited costs to anyone who has land expropriated from them, you can anticipate you're never going to settle anything this side of the Supreme Court of Canada.

MR COWLING: But at the same time if you have a piece of property, Vern, and you've been living in it for 25 years, and you're quite content that it's going to do you for the rest of your life. You're happy there. And some authority comes along and says: We want your property. I'm happy and I just don't want to give it up; but I have to - this is the route that is going to be taken. Well don't you think the entire onus is on that authority to proceed. You just don't give a damn, and you have every right to feel that way. Every move that's to be made, every expenditure is entirely up to them. They want it; you don't care. And that isn't the way it is, Mr Chairman, today.

MR SINGER: Yes, but let's carry your theory to its logical... rather ridiculous conclusion, this same person says I don't care, also says, my house is worth \$100,000, and I'm not going to

move until I get \$100,000; and you've got to pay costs all the way up the street...this is what will happen if you open the door wide.

MR CROCKFORD: I think that's probably an exaggerated viewpoint too; most people when they know their property is going to be expropriated, they're just as anxious to get a new place and get settled...they're not going to prolong the litigation to such...

MR SINGLER: If it doesn't cost them anything, certainly they are. If the litigation doesn't cost them anything, they'll go on as far as they can go.

MR BECKETT: I'd like to read you the recommendation which will become part of the law: "That the cost of arbitration be awarded at the discretion of the tribunal assessing such compensation; and that such costs be on a party and party basis. And (a) a new tariff of cost be established recognizing expert witnesses' fees, and (b) where the award is less than \$1000, the tribunal at its discretion be authorized to award the costs on a strictly client basis, provided that the discretion of the taxing officerand may allow such discretions as may appear reasonable, having regard for the common law. Now that's following along the lines you're suggesting, Mr Crockford.

MR SINGLER: Well that's discretion...yes, but this isn't opening it wide and saying

MR BECKETT: Oh no, no, no.

MR SINGLER: I agree with that recommendation, but I don't agree with opening it wide.

MR CROCKFORD: Well of course in an area, Mr Chairman, there has to be some criterion to be used as a basis; sooner or later there has to be some levelling off; but on the other hand, I don't think the individual person should be forced to pay the whole thing himself.

MR SINGER: I go along with that.

MR CROCKFORD: Now for example, just take those two cases I mentioned earlier. Now those people bought those houses because they just suited their purpose. They're unusual lots, 51 ft frontage by 240 depth. They have fixed them up with beautiful

shrubs and plantings; they have their broadloom and their blinds, and moving expenses and all these things. Now this home owner, who expected to stay there all his life, he's got to put his hand in his pocket and pay for all the moving and these other expenses....

MR SINGLER: He should be compensated, certainly.

MR CROCKFORD: But there's nothing in the Act that says this; and when you talk to the property man that they send out in regard to these matters, some of them are pretty vicious; they say: Oh, we don't have to pay for this kind of thing. I think the Act should spell it out that in those circumstances, they should pay for it.

MR BECKETT: The new statute will spell it out.

MR CROCKFORD: I think that'll be fine.

MR MORROW: Does it say "adequately compensated"?

MR BECKETT: "Due compensation", and then it's going to spell out what is due to be compensated.

MR CROCKFORD: Well if it does that, that will be a great step forward.

MR COWLING: I must say this, Mr Chairman, that in all the hundreds and thousands of homes that are being expropriated, and have been expropriated with this Bloor Street Subway, which is one terrific job, coming right through houses for miles, and quite a large number of them in my own riding, I've had very very few calls from citizens complaining to me, their Provincial Member. Now maybe other people have had them, but I haven't had them; I've had very few. I have to come to the conclusion they must be doing a pretty good job, otherwise people would be complaining. Have you had anything on that, Vern?

MR SINGLER: Yes, we've had a couple of those, but I know of one closer to home on provincial matters, the expropriation along 401 and Avenue Road westerly on both sides of the street there in Armour Heights; and there was a great howl—I had about ten calls in the first five days. But it's all disappeared, and I must presume the Highways Dept has come in and made good settlements, because I haven't heard a peep from one of them. There was initial great panic,

but there has been no follow up at all.

MR COWLING: Well I believe these now suggested recommendations will go a long way towards satisfying the people.

MR CROCKFORD: You mentioned the Highways Dept making very favourable settlements; I hope it is better than some I've known. I have one case right now in the courts; we went through Markham Planning Board and Markham Council and he got rezoning of his land from agricultural to commercial. He had an offer from a gasoline company with a cash deposit of \$25,000 for the one corner for a service station. He had arrangements for building a motel, a restaurant and a service station. The Highway Dept held him up on obtaining the permits on that operation, although it was approved by Markham council and planning board, held him up and held him up indefinitely, and all that time he was paying taxes on this land, paying interest on his mortgage of his farm-a mortgage of probably \$200,000 on it, and he was held up for at least three years arguing with the Highways Dept; they didn't know where they were going to go, and in the meantime, they wouldn't give him a permit. Finally they found out they were going to need his land, they came along, and they say: Well we'll pay you the same as farm land, \$3000 an acre for agricultural land. He said this is not agricultural land, this is commercial land. We had it rezoned and we have offers for commercial sales with commercial prices. You're not buying farmland, it's commercial. And that fellow has been held up now for over four years.

MR SINGLER: Sometimes there is an advantage in having an opposition member sitting where these things take place, because I think it was reasonably well known that I'd received all these calls...and I didn't have a thing to complain about. (chit chat)

MR MORROW: What is the policy, Mr Chairman, about land along highways where the Highways Dept has abandoned and registered the abandonment of that widening that had been considered.

MR BLCKETT: That's being covered in this new Act. This is the conclusion in regard to that: It would seem necessary in the public interest that the Crown and the municipal corporations

should be permitted to abandon an expropriation at some point in the proceedings; while it is obviously desirable that this should not be a continuous practice, nevertheless the problem of modern construction design sometimes necessitates revisions of plans rendering the acquisition of some properties unnecessary; it also feels that the best features of each method of abandonment could be engrossed in one uniform provision that would be available to the Crown and the municipal corporation. The right of abandonment might well be available to these authorities up until after the compensation had been agreed upon, or determined. If the authority is not taking possession of the land, or indicated in some affirmative way its intention to take possession of the land; if the abandonment is permitted at this particular point, then it will be possible, especially for a municipal corporation to ascertain just how much a particular expropriation might be costing the ratepayers, and then if the amount is found to be excessive, the matter could possibly be re-considered and the necessity for expropriation eliminated.

MR MORROW: My question was once it was registered and the abandonment was registered, could the municipal corporation turn around afterwards and change their minds and decided they wanted to pick it up again?

MR BECKLTT: That's right, and due compensation for damage as a result of abandonment too.

MR CROCKFORD: This man I mentioned in connection with the Highways Dept, this man was held up from 1957 when the first proposal was sought and finally after a lot of pressure was brought, we got them to register the property or expropriate the property, but you couldn't go to arbitration until they registered...in 1961; there was a period of four years before the man could take legal action to have it brought before a court of arbitration-in that four years he is paying interest, taxes and is in an unsettled condition; his plans for development are up in the air-he doesn't know where he's at. Is there anything that can be done to stop any authority from doing this? It's the same in Metro. I had a case on Markham Rd, and we haven't

got a settlement yet-that's going to court. This woman had a beautiful piece of property, 92 ft frontage and a beautiful home and lawn. The first they knew anything about it, a man from the Property Dept of Metro came up, said who he was and he wanted to measure up your house and so on-we're going to expropriate the front off here; so he measured the house and everything, and he said: Now I've got a paper I'd like you to sign to give us the right to go through here. She was scared right off the bat, and she said: I'll have to get some advice before I sign that permitting you to go through my property with a water main and take off the front of it to widen Markham Rd. She refused to sign it. The insurance man came along a bit later and he said: You better phone Mr Crockford and she phoned me and she and her husband came over and saw me. I phoned up the Metro Property Dept and asked them have they expropriated this property, and they said: No, we haven't expropriated it, but we've already let a tender to a contractor to install a water main on that land that we're expropriating and he's ready to start the work and we're going to be suffering damages if he doesn't go through there at once. So I said: Well that's just too bad if you go and let a contract for a water main...and I've had several cases like this.

MR BECKETT: Oh they must have passed the by-law...

MR CROCKFORD: They had nothing. We got an expropriating by-law from them about two months later after we had been fighting with them...I haven't got the figures here but I have them in my files in the office...but I said to them what right has this man trespassing on this woman's property and going in there and getting her all wrought up. What right had he in there? He had no right and he told her he was going to take it to court if she didn't sign this paper to allow them to go through. He said you'll be given adequate compensation all right. Now ordinary people are helpless when they're faced with that kind of procedure. They're frightened- they don't know what to do, and it's done all the time by a good many of our authorities; I have two cases right this week in the Township of Scarborough where they want easements for sewers-I can name the places

the property man sent me over the documents just this morning for one of them, and in both cases they had already let a contract, one for the construction of a sewer and the other, the construction of a water main, and he said: We've got to get through there. Now what kind of way is that to do business, letting the contract before they had their rights to go through the property. And now they try to push these people into a settlement and frighten them and bulldoze them.

MR COWLING: You dont run into these in Scarborough?

MR CROCKFORD: Oh, I've never seen a municipality yet, you dont run into them. (chit chat re Scarborough) Gentlemen, that is what I mean...is there any teeth that can be put into the Expropriation Act that's going to prevent these authorities from treating their citizens in this way-citizens who are paying their taxes and paying these people's salaries.

MR BLACKETT: What would you recommend?

MR CROCKFORD: I'm not an authority.

MR BLACKETT: Well...here's the recommendation of the new Act: That every authority be required to serve a notice of expropriation upon the owner of the property within at least 60 days after the date of expropriation, and if the notice is not so served, the owner may elect to have the compensation payable either from the date of expropriation or the date that actual notice is given. This new Act will provide that proper notice be served before any action is taken.

MR CROCKFORD: What do you mean by action?

MR BLACKETT: Just like you say, the chap going out and saying he wanted to expropriate...there would be notice served before that time.

MR CROCKFORD: It's supposed to be done now; but the question is is there any way you can say that no authority or no municipality has any right to involve themselves in any expenditure of construction on somebody's land they they dont yet own or they havent yet expropriated. You'd be surprised how many do that, not only in Scarborough and Metro and Markham, but other places too. I know that takes place; they just seem to feel they've got a perfect right to go

in and take anybody's property and do what they like with it within ten minutes notice if they wish to do so.

MR BLACKLTT: That will be corrected.

MR CROCKFORD: And this case on Markham Rd, they went down to court and got a court order to enter the woman's property, to put it through and I smartly got our friend McAdam and we got the court order set aside, because of the improper statements they had made; we got it set aside and we got the compensation for the day in court doubled. Now a lot of people have no one to help them in that, like this widow on Lawrence Ave- you know her -she was helpless; they were taking about 17 ft off the front of her house; she couldn't live there any longer. What was she going to do when they came to do the widening-no settlement as yet-throw her out in the street. I tell you if you're out and see some of these things that are happening...

MR BLACKLTT: Well the new act will correct a lot of those things. What is your next point, Mr Crockford? The Local Improvement Act?

MR CROCKFORD: Oh yes, now in this Local Improvement Act, I came up against one or two cases that brought to my attention certain facts (reads, Page 2, para 3) "Section 28, 1,2,3,4,5, These sections cover.....which he has paid." Now it states very explicitly that if a man has a lot with a frontage on two streets, he wouldn't have to pay for services on both streets; he'd pay only on one street. But in this case, where it's on a lane, and they paid for a sewer on the lane years ago...this lane is called a street under the Local Improvement Act...now the owners were assessed and charged and paid for sewer service in the lane; then along comes the corporation and puts in a sewer on the street on their frontage, the corporation then levied them for the frontage. I said: Well why did you go past them passed these people's homes then when they didn't need a sewer as they are already connected. They said: Well we had to go passed them to pick up the sewer in the lane which is logical. I said: Well if you were doing it then for the corporation purpose, why should these people have to pay a second time for their sewer. Now here is one

man who bought his property from a person who had paid these charges for the sewer connection he had; he didnt need the sewer that was put in front of his house but the Township levies him on a Local Improvement basis \$281.79 for the sewers and for the sewer connection, \$137.83, a total of \$419.62, and his sewer connection had already been paid by the previous owner of the house.

MR BLACKLTT: For the sewer in the rear though?

MR CROCKFORD: It wasnt in the rear; it was on their flankage. Now when it came before Council, the Assessment Dept was not clear...I think it went to a county judge...Court of Revision, and they claimed the Act didnt give them the authority to give these people relief under these circumstances; and I contended that they were in the same position as a person with property on two streets, double frontage, and under those circumstances, there's a sewer on both streets and water the same way, and under this Act, he doesnt have to pay for both-he pays only for one...

MR BLACKLTT: That's up to the Court of Revision.

MR CROCKFORD: Court of Revision is given power to exempt them if that is the situation.

MR SLOAN: I think it's three or four years ago they changed the Act.

MR CROCKFORD: Well my contention is these people who were on the lane who had already had paid for the sewer in the lane, when the sewer came along the front they shouldnt have to pay a second time for that service; and the same principle that applies to this man who has a through lot, should apply to these people; and they should only pay once for their sewer. We didnt have any success at the Court of Revision, we then took it to the council and the council have the power and discretion, if they wish to alleviate these problems...it becomes a corporation's share and that's what we thought it should have been in the first place, and these people were...well here's the case and the report of a man on Randall Ave. Now the proposed charge he had to pay was \$199.12 for the sewer construction, and sewer connection, \$103.58. But they had previously paid in 1953

\$100 for sewer construction and \$35 for the connection-that was the price back at that time when we did things on a more reasonable basis. (laughter) Now they come along and say: Well we're putting a sewer in front of your house because we want to pick up that other sewer beyond you there, and relieve it, so you've got to pay a second time because we want to do this for the benefit of the corporation. My contention was if the corporation wanted to do that for their own benefit, they should pay it, not charge these people a second time.

MR BLACKLTT: Then again, if you could make use of the sewer in the rear...if you wanted to build on the rear and use the....

MR CROCKFORD: You couldn't build; the lots are fully built up.

MR MORROW: There's no way he can benefit any more? (no) Then he shouldn't have to pay it, I think.

MR BLACKLTT: Well that's the principle of the Local Improvement Act.

MR CROCKFORD: That's what I say; it should be spelled out so that the cases...I argued before the Court of Revision and also before the County Judge that was the principle of the Act, and also before the council, and that on that basis they should give these people some relief.

MR BLACKLTT: What did the judge say?

MR CROCKFORD: The judge said the Act didn't give him power to do it, although that was the principle, on account of this being a corner lot and not a lot running through and facing on both streets, there was nothing in the Act to give him authority to give them relief, otherwise he would have because he sympathized with them. And I think it should be spelled out very clearly that they should not under any circumstances have to pay twice. (Continues, page 2, para 4) "Secondly, the Local..... buying in subdivisions."

MR SINGER: Could you tell me, Mr Crockford how you are going to get any of these subdivisions developed if they don't do it under the Local Improvement Act. No subdivider could possibly have enough capital money to do local improvements in the subdivisions

that have taken place in Metro, and you know that.

MR CROCKFORD: Mr Chairman, to Mr Singer, I'd like to say this, I'm not suggesting the municipality finance all subdivisions by local improvements...I'm suggesting...

MR SINGLER: That's the way I understood it...

MR CROCKFORD: What I'm suggesting is this that the formula or bases for development in municipalities...subdivisions should be exactly the same as for any other corporation in the township; and then the subdivider should pay out in cash the owner's share. The only portion that should be financed by the corporation should be the corporation's share; and in that way, it makes it practical. For example a subdivision with 1000 homes; the subdivider pays all the services 100%. So he pays the corporation's share and the home owner's share. Now here there are miles and miles of other streets in the corporation and in the municipality where local improvements are not in and never have been in, and when they put them in the corporation has paid 25% or 30% or 35% as the corporation's share. And consequently these people that have paid theirs 100% are contributing in their tax levy to this other portion for the corporation's share. And that's what going to happen in a year or two in North York if we ever get amalgamation; because all those streets with no storm sewers and it'll take millions of dollars to put storm sewers in by local improvement, that we poor fish over in Scarborough we've already paid 100% to put in our storm sewers, we're going to have to help pay for yours...your corporation's share.

MR BLOCKETT: There's another side of that too; if you took 25% from all the cost of local improvements, the corporation's share, of all the plans that are put on, and charged that to the farmers in the northern part of the township of Scarborough, which they can get away with, that wouldn't be fair either, would it?

MR CROCKFORD: Well I appreciate that argument of yours, Mr Chairman, but my contention has always been that the assessment on farms as it is today is improper, especially when a farm is in a municipality of North York or Scarborough or Etobicoke. I

maintain a farmer should be assessed for his buildings and for a limited portion of his farm, because this would put him on an equitable basis for school taxes and other municipal taxes, that is a farmer should only be assessed for land on the basis of 3 acres or 5 acres and for his house and his buildings; and the balance of his land should not be assessed at all for those kinds of purposes, for local improvement nor for school purposes, because he's on an inequitable basis on his farm of 100 acres as against a lot of 50 X 150 or 50 X 100. I believe the Assessment Act should be amended to this effect.

MR. BECKETT: But the farmer is in business though.

MR. CROCKFORD: Yes, so are lots of other people in residential districts in business. Even though you say a farmer may be in business, that's quite true-he's in the business of farming, but I don't think you can say it's on a comparable basis with other business operations. I think the Legislature has already recognized that in the fact they have made special provisions that a farmer should be assessed not on the sale value of the land round about him but according to the use of land for agricultural purposes. They recognize this.

MR. BECKETT: So there is discrimination there.

MR. CROCKFORD: Well show me any laws that don't discriminate against somebody to some extent (laughter)

MR. BECKETT: A manufacturer doesn't get any special consideration in taxation-he's in business.

MR. CROCKFORD: I'm repeating what's in the Act.

MR. BECKETT: Maybe the Act is right.

MR. SIN-LR: Let's get back to your other argument-let's get away from the farmers..where you have a new subdivision and people come in and live where nobody has ever lived before, surely it makes sense that the whole area could and should pay for the local improvements they're getting. The areas that are done by local improvement, Scarborough, North York and Etobicoke presently for local services like storm sewers, sidewalks, street lights, are

areas that have been lived in and built up for some considerable period of years; you can't set the clock back and do it any other way than by local improvement, but you can for these new sections, and these sections should pay for the full cost of all of their services. If that particular farm wasn't developed and all of the services put in, there wouldn't be any expense to anybody; but someone has come along and divided a farm up and there are a couple of hundred lots, roads and sewers and water and so on; why shouldn't the people who are going to benefit by them pay?

MR CROCKFORD: I'm not suggesting, Mr Chairman, that they shouldn't pay. I'm suggesting they should pay on an equitable basis; I'm suggesting they should pay, if the local improvement portion is 25%, I'm suggesting the people should pay their 75% which is the owner's share in cash, and relieve the municipality of any responsibility of issuing debentures, keep down their debt and what have you, but I say the other 25%, they will pay their share of it too, but they will pay it through the local improvement levy that is on them for their streets and also for the other streets in the municipality just the same as everybody in the municipality.

MR SINGER: So you pay 25% of the cost of services in each new subdivision in Metro in the last 15 years, and add them on to the debenture costs--the debenture dollars that are available to the whole municipality, and you'll put them out of business, won't you? North York added 27,000 people last year; Scarborough added 25,000 people...25% of the cost of those new subdivisions added on to Scarborough's capital dollar allotment, and Scarborough would be in real trouble; and you would just have to stop development.

MR CROCKFORD: In a development with 1000 houses in it, and those houses are all assessed from \$4,000 up to \$5,000 a unit, that's \$4,000,000 new assessment...

MR SINGER: You and I are going to get into an argument we've had before the house is a liability

MR CROCKFORD: The point is the \$4 million new assessment, the municipality should be able to increase its borrowing power

by that amount. It's up to you gentlemen to exercise your discretion; I feel there is a tremendous inequity here.

MR BLCKETT: Well it's an act we're going to consider. Now what is the next, the Fire Marshall's Act.

MR CROCKFORD: Yes. (reads, page 3, para 2) "The application.....of the Building Department." Now I think the Fire Marshall's Act as it is today, it is spelled out in rather an obscure way, Section 295, chapter 148, says the Fire Marshall has the power, whenever he has reason to believe the Council of the municipality has not passed a bylaw with the authority of any of the Sections of the Municipal Act, or any other Act relating to the prevention of fires, and the protection of life and property, or the bylaw, if it has been passed is not being enforced, to confer with members of council to assist him as far as it's expedient and practical in preparing and enforcing and improving the bylaw; so that is the duty of the Fire Marshall and his inspectors to see the Act is amended or made so it will take care of any problem that may arise. Now under Section L it is his duty to enter upon, examine and inspect from time to time, hotels, apartments, factories, work shops and other places where persons reside in or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he deems necessary for the purpose of complying with any statute or regulation made for the better protection of life and property in such building. I may misunderstand that, but I understand, and the Fire Chief in Scarborough with me, that any orders he issues must be based upon some statute or regulation that has been passed or by-law of council. But they don't just do that. They just go into people's property and order all manner of things to be done which costs a considerable amount of money, and they have been so many changes where they use other Acts as a basis of enforcing...I refer to the Licensing Act. If a person asks for a license for say, cigarettes and tobacco, the Commission advises the council, and the Committee asks the Fire Dept and other departments to report as to their recommendation whether this license should be granted. Before the license is granted, we receive

this report from a fire inspector, a representative of the Fire Marshall. Now if that owner is unfortunate enough to have an operation requiring a Metro license for cigarettes or tobacco, he'll probably go down in the basement and if it isn't lathed and plastered with fire proof material, he'll order that basement must be lathed and plastered before he will recommend the permit be issued; and consequently the fellow's license is held up, and he can't get a license because of this report to council from the Fire Marshall. Now my contention is, now if a man is operating a shoe store or some store that doesn't require a license, it doesn't matter what his ceiling is like, and the hazard is just as great in one as the other. Now people have been held up and they have been forced to put in lath and plaster and all manner of things...I have a case right now of an apartment application up for a building permit; it's 104 suite apartment, and this will just show how extreme they are in some manner, the Building Dept make their report first to the Fire Dept, and they requested that this building be relocated on the lot-the Fire Dept ordered this, so they'd be able to drive their fire trucks all the way around this apartment building, and there's going to be a large number of underground garages, and they ordered they could not obtain a building permit-the Building Dept said we won't give you a permit until you agree to put a reinforced concrete roof on top of those underground garages to sustain the weight of the fire trucks to drive around the building, which they have no legal right to do. Now my contention is the Fire Marshall's Act, there are a lot of good aspects of it, and I think there are certain factors protecting from fire and seeing there is no rubbish around and inflammable material and this kind of thing; I think that is fine; but I maintain that if anything like that is required, they must obtain an amendment to the building bylaw; if a man builds his building in compliance with the Building Bylaw, no Fire Marshall or representative can come along and say: The building bylaws are wrong and you've got to do all these structural alterations before you can receive a building permit or a license to sell cigarettes.

Now I know one chap who has a hardware store that has been operated as a hardware store before, and he bought it and took it over. and he had to get a permit because he was selling oils and things like that and he required a license. They came in there and it cost him over \$1600 in alterations to that building and he couldn't get a license until he did. Now I maintain if there is any alteration, it is up to the Fire Marshall to have it done through the Building Dept and the building bylaws, and not go around and one fireman say: You have to have a steel post there and the other one say: A wooden post will do. It's just a case of who the inspector is.

MR SLOAN: But of course you have to keep in mind there are a great many municipalities in Ontario that haven't got a bylaw and I think that is why the power is there.

MR CROCKFORD: I think you're right; on the other hand, we have the Factory and Shop Act, and under this Act, factories and shops and chain stores and so on, they have to take their plans down to the Factory and Shop Act Dept, and have their plans approved on all these matters, egress and entrance; they have to have their plans all certified and approved and stamped down there. But after they do that, and they build according to their specifications, then along comes some fellow from the Fire Marshall's and he says, those doors open this way and this has to be changed and that has to be changed. Now my contention is if the Factory And Shop is to supervise this type of building with building regulations, an ordinary fireman is not competent to go around and order these structural changes. And when a man has built his building according to the township by-laws, they should not have the power to do that; in fact I don't actually think they have the power to do that from the chapter I read. It is here they can enter and examine and make orders that such precautions be taken and direct such alterations as he deems necessary for the purpose of complying with statute or regulations for the protection of life and property. I think the intention of that section in the Act is any orders he made must be hung on some building bylaw or some regulation.

MR SLOAN: I see the weakness of this...but actually where there are no local bylaws, the only person is the fireman, maybe a volunteer fireman who maybe doesn't know about it very much.

MR CROCKFORD: In some of the outlying municipalities, I appreciate that, but I don't think it's hardly fair for a person to build according to the specifications of the building laws of the municipality and of the Factory and Shop Act, and after all the building is done, and here the fire department want a lot of alterations. Now I think if there is a lot of alterations or something in connection with the construction of the building or hazards for fire, what the Fire Marshall's Dept should do, is to approach the council and have the building bylaws amended to incorporate in its bylaws these things that are necessary, and it should be handled in that way. Now you take this apartment house I mentioned, just imagine how fantastic this is; how can you expect to drive a firetruck around an apartment house in the city; and these apartment houses are solid masonry fireproof construction, and this thing has got entirely out of hand; they just go in and with their own opinion, they say do this and do that; and I had a little brush with them over service stations. Some little fellow built a service station...I don't know under what Act the Factory and Shop Act...but they came along and insist that a rear door be put in. Now we already had three doors in the thing, lift doors in the front and lift doors in the back and a door in the office. So I said: Now look, here's the B.A. and Imperial and Shell and all these people, they're building service stations every week, and they've got no back door. There are odd isolated cases that have, but there were ones being built that didn't have them. Now why are they permitted to build them with only the lift doors and the office door; why don't you ask them to put doors in the rear of all of them. Well we don't want to get involved with that. I said: Well that's too bad; if he's a small fellow you can push him to do this, and this Fire Marshall's Act has become a very serious problem to a lot of small business men. I know a store keeper on the shopping centre there, and because he had living quarters above it, they

made him spend a tremendous amount of money in putting a fire escape out the back..I dont think they have any legal right to do that. There was a proper entrance and a stairs and a back stairs; I think the alteration of structural changes in buildings shouldnt be the prerogative of the Fire Dept; I dont think a fireman is qualified to perform that function; but if they feel changes should be made, then they should have amendments to the building bylaws made, and have them enforced through that vehicle, and not going around telling one man to do this and another man to do something different. I think it's all wrong. And if the man doesnt do just what they tell him, then he doesnt get his license; and if he has his store open, next thing you know he is summoned for not having a license. I know of one man who had a tobacco store in Scarborough- a smoke shop- well there's no great hazard in that. But when the Fire Dept got through with him, he said: Well that's the last smoke shop I'll ever put in Scarborough, and he has a whole chain of them around. Now I think that Fire Marshall's Act should be spelled out so people cant be penalized in this way and the enforcement is uniform.

MR BLCKETT: Well we'll certainly take that into consideration. Your next item is the Planning Act.

MR CROCKFORD: Well I said here (reads, page 3, para 5) "Legislation should be enacted.....not be permitted." Now this is a thing that in my opinion has got entirely out of hand. In the old section of Scarborough, sewers were put in and paid for down there 30 or 40 years ago. Well a fellow down there has a large lot, and he says to the Planning Board, this lot is 85 or 90 ft and I want to divide it into two lots; and they say yes, and there will be a sewer charge of \$5 a ft to pay for a sewer charge because you're dividing. Now they admit that charge is not legal-there is no legal basis for it. In fact I know one lawyer his client had a matter like that and the charge was \$300, and I just smartly sent them a letter and said I dont understand what this \$300 is for; I'd like an explanation. So they said it was a charge for sewer purposes. So he wrote back and said: I dont know of any authority you have to make this charge

and unless I get the refund of the money within so many days, I'm going to advise my client to take action to recover it. The cheque came in a few days.

MR SINGER: There was a recent case that went to the Supreme Court of Canada in connection with North York, and the Supreme Court said it was all right. (chit chat re cases)

MR CROCKFORD: I suppose I'm responsible originally for the charges on the basis of sewer. When the Planning Act was first instituted in 1946, I came up and had a long discussion with Hon Dana Porter, the Minister of Finance, and during the discussion, I pointed out that it was going to be confiscation of people's property without compensation under the Planning Act. He pointed out to me it was a matter of negotiation and cooperation. I said, well what may be negotiation and cooperation today, after it's gone on 5, 10, or 15 years, the first thing you know the Planning Authorities will think this is something that's established-it's a must and we have got to do it. And we're reached that stage...not only do they take away the land without compensation, but they also levy extra charges. Now in Scarborough, the developers wanted to develop and it was a question of whether we'd let them develop with septic tanks or we'd try to give them sewers. We called them together and said this is the situation, if we can finance a sewage disposal and aim at bringing trunk sewers up to these farms that you're going to develop, you'd be able to give your purchasers a better price and a better product, fully serviced land, sewers and water, and they won't have to discard septic tanks 10 or 15 years from now and pay the expenses of connecting to sewers at a later time; we investigated and we feel we can prove to the Municipal Board and the authorities that we can recover sufficient money to get the financing to build our sewage disposal plant and build trunk sewers up to your subdivisions; this will be better for all round and if you will cooperate with us, we figure you can get us \$5 a foot in these lots for these 100 acre farms, and we can get enough money out of that to liquidate this indebtedness, and provide services not only for your subdivisions, but

also for the lands in between. Now that's how this started. Now the first year we followed that policy, we collected on this \$5 a foot, around a million and a quarter dollars, and it was paid in that way.

MR SINGER: It is no more legal though than the thing you're objecting to now.

MR CROCKFORD: That's quite true, and I'm not saying it was legal; I'm saying it was a matter of mutual cooperation. But we never at any time suggested in the slightest degree that any individual with a small property on existing streets where sewers had already been paid for, or in the agricultural area in the north where sewers may not be in for 20 years...we never suggested they should have to pay this; but that's what is happening today and everybody is paying, no matter whether sewers are in there and assessed against that property and paid for 30 years ago, or whether it's up in the farm area where it may be 20 years before they ever get sewers.

MR SINGER: But there is a great difference in having your sewers on the street and having somewhere for your sewers to dump into. Those small plants in Scarborough, North York and Etobicoke were functioning; they were getting overloaded and they were polluting the rivers; someday and maybe in our lifetime, we'll see a clean Don and Humber River flowing. Now when Metro came about there was a building of these new huge sewage disposal plants that are being done and somebody has to pay for them. How are you going to pay for them. The Highland Creek plant was overloaded....

(discussion re overloading of Highland Creek plant)

MR CROCKFORD: But regardless of that, my point is that these charges on people for consent under those circumstances being forced on them is improper, and it's a question...where large subdivisions come in and want to be hooked up to a big trunk and they want to contribute that money, that's their prerogative; but I don't think the small individual wanting to divide a lot on a street where the sewers have been paid for, should be charged \$300 or \$250, and too, these people just can't afford it. Now there is a case in the Township of Pickering, a property just under 20 acres, and he ended up by

having 9. some odd acres ..just under 10 acres, and he had to get consent to build another \$40,000 house on half and he had a \$40,000 estate on the other half, they said there will be a \$500 consent fee; now matter how you parcel as I figure it, it is a \$500 administration fee. And I don't think this is either proper or legal. And I don't think the Planning Act even allows the paying of sewers.....

MR SINGLER: The Planning Act now allows the exemption of conditions to all these consents.

MR CROCKFORD: In my opinion, the Planning Act was not set up as a formula for collecting taxes and revenue for the operation of the municipality.

MR BECKETT: We have had to subsequently amend it for these purposes, for consents. (chit chat)

MR SINGLER: You may not think it's fair, and in some instances I'd agree with you, but I wouldn't agree with you that it's illegal.

MR BECKETT: We made it legal.

MR SINGLER: That was the thing Mr Manning was very unhappy about when he got to the Supreme Court of Canada; he said it was the first time they changed a piece of legislation and didn't get around to his case. (chit chat re Mr Manning's case)

MR CROCKFORD: Another thing, take in the matter of apartments, to get a permit for apartments, he pays a contribution towards the sewers, the trunk service, he pays \$50 a suite to Metro; now I don't know of any \$50 a suite that is collected from any apartment development in the City of Toronto, and they're in Metro the same as the rest of us, but in Scarborough he pays \$50 a suite to Metro; one development of 198 suites, and he had to pay \$14,000 and some odd in cash to the Planning Dept and then go and pay for a permit to the Building Dept.

MR SINGER: Toronto's argument is, and with some validity, that the construction of these large sewage disposal plants wouldn't have been necessary just for the development of Toronto; they had their own facilities; but they were made necessary by the development of the suburbs.

MR CROCKFORD: You'd think you were a Toronto resident.
(laughter)

MR COWLING: No, I'll support that argument. As a matter of fact, one of the big reasons for building the Humber one was to accommodate North York mainly. (discussion re sewage) And if it hadn't been for the suburbs, the Metropolitan Government of the City of Toronto wouldn't have needed these large plants. (pro and con on past conditions in sewage and water re Toronto and suburbs)

Now you're not saying that Scarborough hasn't benefited from Metropolitan Government? You're not saying that?

MR CROCKFORD: I am. I am sincerely and honestly.

One thing, our school grants in 1953 were 53% and today they are 19% of our gross expense.

MR COWLING: My remembrance is you were squeezed to death....

MR CROCKFORD: No no, we were flourishing better than we ever did. (laughter)

MR COWLING: You were the Reeve then. (yes) (laughter)

MR BECKETT: Well Mr Crockford, we appreciate your comments and suggestions, and we thank you for coming before the Committee, and we assure you we will give consideration to them.

MR CROCKFORD: I appreciate that Mr Chairman, and I hope I haven't wearied you with some of our suggestions; we feel very strongly about the fact we have not only four levels of government, we in Metro, over us but with commissions and boards and what not, they all take our money and control our property or else we get the sheriff or the bailiff in, so what are you going to do about it. We are the most overgoverned people in the whole of the Dominion of Canada. (laughter) (pro and con re amalgamation)

MR BECKETT: Mr Crockford, if you have any further suggestions to make, do send them along. They are all very helpful.

MR CROCKFORD: Thank you very much.

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